

**PONTO BEACHFRONT VILLAGE VISION PLAN
FINAL
ENVIRONMENTAL IMPACT REPORT**

**SCH# 2007031141
EIR 05-05/GPA 05-04/LCPA 05-01/DI 05-01**

Prepared For:

City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, California 92008
Contact: Christer Westman, Project Manager
(760) 602-4614

Prepared By:

RBF Consulting
9755 Clairemont Mesa Boulevard, Suite 100
San Diego, California 92124
(858) 614-5000
FAX (858) 614-5001
RBF JN 25-101951.001

August 2007

Reader's Guide to the Final EIR For the Ponto Beachfront Village Vision Plan

Public Review and Comment Period

The Draft Environmental Impact Report (EIR) was circulated for public review from April 12, 2007 to May 29, 2007 (a 45-day review period). A total of 52 comment letters were received by the City of Carlsbad, Planning Department within the review period. The Responses to Comments document is included with the Final Environmental Impact Report (Final EIR). The EIR is available for review at the City of Carlsbad, Planning Department located at 1635 Faraday Avenue, Carlsbad, California 92008.

REVISIONS TO THE DRAFT EIR

Based on comments received during the public review period changes were made to the text of the EIR. A new alternative was added to Section 6.8 of the EIR. This alternative was added to address comments regarding additional open space in the southern portion of the vision plan area. In addition to the new project alternative, changes were made to Sections 5.2, 5.4, 5.5, 5.6, and 5.11 of the Draft EIR. These changes include revisions and updates to mitigation measures based on comments received from the Wildlife Agencies (Section 5.2) and comments from the public. A mitigation measure was deleted from Section 5.4 because evidence in the record demonstrates that it is unnecessary. Mitigation measures were added to Section 5.5 based on public comments to reduce noise. Additional discussion was added to Section 5.6 to provide additional detail on how traffic mitigation would be implemented. An additional mitigation measure was added to clarify how traffic impacts would be mitigated. Additional discussion was added to Section 5.11 to amplify the discussion of offsite land uses.

Other changes to the draft EIR include revisions to some mitigation measures to make the measures more specific and to identify the specific timing of the measure. Other minor changes were made in various chapters throughout the document to clarify wording or to correct typographical errors. Of the technical studies prepared for the Draft EIR, only minor changes to the technical traffic study were necessary based on comments from the public design. Changes included evaluating additional cumulative projects, and preparing a freeway analysis as requested by Caltrans.

All technical reports and related documents are available for review at the City of Carlsbad, Planning Department located at 1635 Faraday Avenue, Carlsbad, California 92008.

INTRODUCTION TO THE FINAL EIR

This document is a Final Environmental Impact Report (Final EIR), which reviews and analyzes the potential environmental impacts that could result from implementation of the proposed Ponto Beachfront Village Vision Plan. In accordance with the *California Environmental Quality Act (CEQA) Guidelines* Section 15002, an EIR is the public document used by the approving governmental agency to analyze significant environmental effects of a proposed project, to identify the project alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage. The EIR itself does not control

the way in which a project can be developed or constructed; rather, the governmental agency must respond to the information contained in the EIR by one or more of the seven methods outlined in Section 15002(h) of the *CEQA Guidelines*, which include:

1. Changing the proposed project;
2. Imposing conditions on the approval of the project;
3. Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
4. Choosing an alternative way to meet the same need;
5. Disapproving the project;
6. Finding that changes in, or alterations to, the project are not feasible;
7. Finding that the unavoidable significant environmental damage is acceptable, as provided in Section 15093 of the *CEQA Guidelines*.

Responses to Comments

The Response To Comments includes all comments received on environmental issues raised during the public review process for the Draft EIR and the City's responses to comments. The Response To Comments are located in the beginning of the Final EIR. Each comment received is assigned a comment number, and its corresponding response is assigned the same number. On each page, each response is located in the column adjacent to the comment to which it responds.

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES
THAT COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT
REPORT**

A draft version of this Environmental Impact Report (DEIR) was circulated for public review from April 12, 2007 to May 29, 2007 (a 45-day review period). The following is a list of the names and addresses of persons, organizations, and public agencies that submitted comments to the City of Carlsbad for consideration:

NAME

ADDRESS

Federal Agencies

- | | |
|---|--|
| 1. US Fish and Wildlife Service (USFWS) | Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009 |
|---|--|

State Agencies

- | | |
|--|---|
| 2. CA Department of Fish and Game (CDFG)
<i>(Submitted concurrently with USFWS)</i> | South Coast Region
4949 Viewridge Avenue
San Diego, California 92123 |
| 3. CA Department of Parks and Recreation | San Diego Coast District
4477 Pacific Highway
San Diego, California 92110 |
| 4. CA Department of Transportation | District 11
4050 Taylor Street, M.S. 240
San Diego, California 92110 |
| 5. Native American Heritage Commission | 915 Capitol Mall, Room 364
Sacramento, California 95814 |
| 6. Public Utilities Commission | 320 West 4 th Street, Suite 500
Los Angeles, California 90013 |

County, City, and Other Local Agencies

- | | |
|--|---|
| 7. City of Encinitas | 505 South Vulcan Avenue
Encinitas, California 92024-3633 |
| 8. San Diego Association of Governments | 401 B Street, Suite 800
San Diego, California 92101-4231 |
| 9. San Diego County Archaeological Society, Inc. | P.O. Box 81106
San Diego, California 92138-1106 |

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC
AGENCIES THAT COMMENTED ON THE EIR**

- | | |
|--|---|
| 10. San Diego Gas and Electric (SDG&E) | Land Planning & Natural Resources
8315 Century Park Court
San Diego, California 92123 |
| 11. San Luis Rey Band of Mission Indians | 1889 Sunset Drive
Vista, California 92081 |

Organizations

- | | |
|--|--|
| 12. Batiquitos Lagoon Foundation | P.O. Box 130491
Carlsbad, California 92013-0491 |
| 13. Leucadia-Encinitas Highway 101 Main Street Association | 320 North Coast Highway 101
Encinitas, California 92024 |
| 14. San Pacifico Area "A" Association | 9610 Waples Street
San Diego, California 92121-2992 |
| 15. Surfrider Foundation – San Diego County Chapter | P.O. Box 1511
Solana Beach, California 92075 |

Individuals

- | | |
|---|---|
| 16. Bob Lipsey | |
| <i>(Comments from B. Lipsey sent care of: Worden Williams, 462 Stevens Avenue, Suite 102, Solana Beach, California 92075)</i> | |
| 17. Phillip S. Rosenberg | 501 Halsing Court
Carlsbad, California 92011 |
| 18. Craig K. Beam | Jackson/DeMarco/Tidus/Peterson/Peckenpaugh

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361 |
| <i>(Comments from C. Beam sent care of: Howes, Weiler and Associates, 5927 Balfour Court, Suite 202, Carlsbad, California, 92008)</i> | |
| 19. Bill Hofman | Hofman Planning and Engineering
5900 Pasteur Court, Suite 150
Carlsbad, California 92008 |
| 20. Daniel W. Downing | 6580 Red Knot Street
Carlsbad, California 92011 |

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC
AGENCIES THAT COMMENTED ON THE EIR**

- | | |
|--------------------------------|---|
| 21. Victor E. Ramirez | Victor E. Ramirez & Associates
P.O. Box 1255
Solana Beach, California 92075 |
| 22. Renata Breisacher Mulry | P.O. Box 130215
Carlsbad, California 92013 |
| 23. Roy Skaff | 527 Meridian Way
Carlsbad, California 92009 |
| 24. Dale E. Ordas | 300 Carlsbad Village Drive
Suite 108A #324
Carlsbad, California 92008 |
| 25. C.G. Powell | cgpowell@hotmail.com |
| 26. Bill Lambert | bill_jeannelambert@yahoo.com |
| 27. Peggy Crowley | idelmargo@yahoo.com |
| 28. Gary Powell | 7405 Neptune Drive
Carlsbad, California 92011 |
| 29. Elizabeth Kruidenier | 3005 Cadencia Street
Carlsbad, California 92009 |
| 30. Michael Burner | 7017 Leeward Street
Carlsbad, California 92011 |
| 31. Herb Patterson | 518 Southbridge Court
Encinitas, California 92024 |
| 32. Ron and Lorraine Gordon | rlgordie@roadrunner.com |
| 33. Paul Klukas | pklukas@planningsystems.com |
| 34. Barbara and Steven Oetting | 529 Stern Way
Carlsbad, California 92011 |
| 35. Robert A. Rosenthal | P.O. Box 965
Solana Beach, California 92076 |
| 36. William Kloetzer, PhD | wkloetzer@sbcglbal.net |
| 37. Colin Huntmer | 2349 Caringa Way, #1
Carlsbad, California 92009 |

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC
AGENCIES THAT COMMENTED ON THE EIR**

- | | |
|------------------------------|--|
| 38. erdag@sbcglobal.net | |
| 39. Duane Stucki | duanestucki@yahoo.com |
| 40. Ole Barre | 437 J Street, Suite 207
San Diego, California 92101 |
| 41. Valerie Cowan | 7366 Escallonia Court
Carlsbad, California 92011 |
| 42. Julie Gengo | P.O. Box 217
Cardiff by the Sea, California 92007 |
| 43. Diane O'Connell | w.oconnell@sbcglobal.net |
| 44. Elaine and Michael Shady | ivshadylady@roadrunner.com |
| 45. Rick and Trish Revier | rickandtrishrevier@yahoo.com |
| 46. Christina Bennett | Christina.Bennett@sduhsd.net |
| 47. Greg Thomsen | 7155 Linden Terrace
Carlsbad, California 92011 |
| 48. Ann and Bob Mueller | annmueller@sbcglobal.net |
| 49. Bill Reynolds | 734 La Mirada Avenue
Encinitas, California 92024 |
| 50. Debra Henry | djhenry007@hotmail.com |
| 51. Mike Crowley | 521 Stern Way
Carlsbad, California 92011 |
| 52. Steven and Lori Varga | 134 Windvane Lane
Carlsbad, California 92011 |
| 53. Daniel Bruton | 7040 Whitewater Street
Carlsbad, California 92011 |

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State Clearinghouse
Fax (916) 323-3018

FROM: Janet Stuckrath
South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
Telephone (858) 637-5510
Fax (858) 467-4235

DATE: May 29, 2007

TIME:

OF PAGES SENT INCLUDING TRANSMITTAL SHEET: 9

COMMENTS:

Wildlife Agency comments on the Draft Environmental Impact Report for the Ponto Beachfront Village Vision Plan (SCH #2007031141)

IF YOU DO NOT RECEIVE ALL OF THE PAGES INDICATED
PLEASE CALL THE SENDER AS SOON AS POSSIBLE.



U. S. Fish and Wildlife Service
 Carlsbad Fish and Wildlife Office
 6010 Hidden Valley Road
 Carlsbad, California 92011
 (760) 431-9440
 FAX (760) 431-5902



California Department of Fish and Game
 South Coast Region
 4949 Viewridge Avenue
 San Diego, California 92123
 (858) 467-4201
 FAX (858) 467-4299

In Reply Refer To:
 FWS-SDG-5328.1

Mr. Don Neu
 Acting Planning Director
 City of Carlsbad
 1635 Faraday Avenue
 Carlsbad, California 92008-7314



MAY 29 2007

Subject: Comments on the Draft Program Environmental Impact Report for the Ponto Beachfront Village Vision Plan in the City of Carlsbad, San Diego County, California (SCH #2007031141)

Dear Mr. Neu:

A-1

The United States Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter referred to collectively as the Wildlife Agencies, have reviewed the above-referenced draft Program Environmental Impact Report (PEIR) that was received by our offices on April 17, 2007. The comments provided herein are based on: the information provided in the draft PEIR and the November 6, 2006 Biological Technical Report prepared by Helix Environmental Planning, Inc. (Helix); the Wildlife Agencies' knowledge of sensitive and declining vegetation communities in San Diego County; and, our participation in regional conservation planning efforts, including the North San Diego County Multiple Habitat Conservation Plan (MHCP) and the City's approved Subarea Habitat Management Plan (HMP).

A-2

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning Program (NCCP).

Comment Letter A – US Fish and Wildlife Service & California Department of Fish and Game

A-1 Comment noted.

A-2 Comment noted.

Mr. Don Neu (FWS-SDG-5328.1)

2

A-2
cont'd

The proposed project is located on a 130.4-acre narrow strip of land between Carlsbad Boulevard and the San Diego Northern Railroad tracks and right-of-way. Portions of the Ponto Beachfront Village Plan (PBVVP) area extend north to Poinsettia Lane and south to La Costa Avenue. Under the PBVVP, the area considered for future development within the 130.4-acre project area is limited to 47.6 acres (the "Ponto Area"), with its northern limit at Ponto Drive and its southern limit at Batiquitos Lagoon. The project site is located within the Coastal Zone, and is partially within the South Carlsbad Coastal Redevelopment Area. The PBVVP proposes a combination of six Character Areas that will provide a land use mix of tourist-serving, commercial, and residential uses.

During 2003, RECON Environmental, Inc. conducted vegetation mapping, general botanical surveys, and a jurisdictional delineation. In 2006, Helix Environmental Planning, Inc. verified the vegetation mapping and conducted rare plant surveys and protocol coastal California gnatcatcher (*Poliophtila californica californica*) surveys. The biological technical report identifies the project site as supporting mostly developed (43.4 acres), disturbed (24.6 acres), and non-native vegetation (21.0 acres) habitats. Table 1 summarizes the habitats on site, the proposed impacts to each habitat type, mitigation ratios, and amount of mitigation required.

Table 1. Acreages of existing habitat within the PBVVP area, proposed impacts, and mitigation.

Habitat Type	Existing	Impacts	Mitigation Ratio	Mitigation Proposed
Southern Coastal Salt Marsh	0.98			
Riparian Woodland	0.17			
Southern Willow Scrub	0.91	0.04	3:1	0.12
Mule Fat Scrub	0.19			
Coastal and Valley Freshwater Marsh	2.21			
Marine	1.30			
Mudflats	0.03			
Disturbed Wetland	0.11			
Southern Coastal Bluff Scrub	4.3	0.1	3:1	0.3
Beach/Coastal Dunes	25.4			
Diegan Coastal Sage Scrub	5.2	1.2	2:1	2.4
Non-Native Grassland	0.2			
Eucalyptus Woodland	0.3	0.3	In lieu fee	In lieu fee
Disturbed Habitat	24.6	21.1	In lieu fee	In lieu fee
Non-Native Vegetation	21.0	9.7		
Developed	43.4	15.2		
Total	130.4	47.6		

While no Federal or State-listed threatened or endangered plant species were observed within the PBVVP area, the following four California Native Plant Society (CNPS) sensitive plant species were detected during the 2003 and 2006 surveys: Nuttall's lotus (*Lotus nuttallianus*; CNPS List

A-3 Comment noted.

Comment Letter A – US Fish and Wildlife Service & California Department of Fish and Game

Mr. Don Neu (FWS-SDG-5328.1)

3

A-3
cont'd

1B.1), southwestern spiny rush (*Juncus acutus*; CNPS List 4.2), California boxthorn (*Lycium californicum*; CNPS List 4.2), and woolly seablite (*Suaeda taxifolia*; CNPS List 4.2). The following sensitive animal species were observed within the study area or flying overhead by Helix in 2006: Federal and State-listed endangered and California Fully Protected (CFP) California least tern (*Sterna antillarum browni*) and California brown pelican (*Pelecanus occidentalis californicus*); Federally listed threatened California gnatcatcher; State-listed endangered and CFP American peregrine falcon (*Falco peregrinus*); California Species of Special Concern (CSC) double-crested cormorant (*Phalacrocorax auritus*), California horned lark (*Eremophila alpestris*), loggerhead shrike (*Lanius ludovicianus*), and Cooper's hawk (*Accipiter cooperii*).

Mitigation acreages for impacts to southern willow scrub, southern coastal bluff scrub, coastal sage scrub (CSS), eucalyptus woodland, and disturbed habitats are summarized in Table 1. The draft PEIR proposed the following mitigation: on- or off-site creation and enhancement for impacts to southern willow scrub; off-site acquisition of southern coastal bluff scrub or other Group B habitat for impacts to southern coastal bluff scrub; off-site acquisition of CSS for impacts to CSS; and payment of a fee into the City's Habitat In Lieu Mitigation Fee fund for impacts to eucalyptus woodland and disturbed habitat. According to the draft PEIR, mitigation would likely occur off site within the preserve system of the City's HMP, rather than within the study area. Individual property owners would be responsible for mitigating impacts to biological resources specific to their development proposals as analyzed in subsequent CEQA documentation.

A-4

The Wildlife Agencies offer the following recommendations and comments to assist the City in avoiding, minimizing, and mitigating project impacts to biological resources, and assure that the project is entirely consistent with the MHCP and HMP. Many of our comments address concerns about the project-related impacts on Batiquitos Lagoon, which the Department owns and manages as an Ecological Reserve. In addition to being an Ecological Reserve, Batiquitos Lagoon is a MHCP hardline preserve area within the City's approved MHCP and NCCP Subarea Plan. Therefore, it is important that the project be designed in a manner that avoids, minimizes, and adequately mitigates for potential direct and indirect impacts on the biological functions and values of the Ecological Reserve and the species it supports. For example, Batiquitos Lagoon provides habitat for several sensitive species, including a major colony of California least tern.

A-5

1. The mitigation proposed for the loss of habitat within the Ponto Area may be of concern, as no specific details were provided in the draft PEIR about where mitigation would occur. The final PEIR should address our following concerns about the mitigation.

A-6

a. While the draft PEIR mentions that a restoration plan for habitat creation and enhancement shall be prepared for southern willow scrub mitigation, a similar plan needs

A-4 Comment noted.

A-5 The Ponto Beachfront Village Vision Plan Draft Environmental Impact Report (EIR) is a Program EIR and is therefore conceptual in design. The biological resources analysis prepared for the EIR assumes that the entire 50-acre Ponto Area would be impacted by future development and provides mitigation to reduce potential impacts to less than significant. As such, it is not anticipated that additional assessment of impacts to biological resources will be required at the time that future development is proposed; however, this will be determined on a site-specific level at the time a landowner chooses to develop his/her land. At that time, specific mitigation, mitigation ratios, and locations for mitigation for impacts to sensitive habitats will be identified, and individual projects will be responsible for providing the required mitigation.

A-6 Language in Section 7.0 of the Biological Technical Report (BTR) and Section 5.2.4 of the final EIR has been revised to reflect that a Restoration Plan will be prepared if impacts to southern coastal bluff scrub and Diegan coastal sage scrub are mitigated through the creation and/or restoration of southern coastal bluff scrub and coastal sage scrub.

Comment Letter A – US Fish and Wildlife Service & California Department of Fish and Game

**A-6
cont'd**

to be prepared and provided to the Wildlife Agencies for project mitigation involving the acquisition, creation, and/or restoration of southern coastal bluff scrub and CSS.

A-7

- b. Unless credits are purchased at a mitigation bank, project applicants shall execute and record a perpetual biological conservation easement over habitat to be preserved for project-related mitigation on- or off-site (including any creation/restoration/enhancement areas). The easement shall be in favor of an agent approved by the Wildlife Agencies. The Wildlife Agencies shall be named as third party beneficiaries. Further, project applicants shall prepare and implement a perpetual management, maintenance, and monitoring plan for all on- or off-site biological conservation easement areas in accordance with the guidelines for preserve management as outlined in the Final MHCP (Vol. 1, Section 6.3, pages 6-7). Project applicants shall also establish a non-wasting endowment for an amount approved by the Wildlife Agencies (based on a cost estimation method) to secure the ongoing funding for the perpetual management, maintenance, and monitoring of biological conservation easement areas by an agency, non-profit organization, or other entity approved by the Wildlife Agencies.

A-8

- c. Because the Ponto Area is within the Coastal Zone of Carlsbad, there shall be no net loss of CSS. The draft PEIR indicates that off-site acquisition of CSS would serve as mitigation for impacts to CSS, but the standards for coastal zone development in the City's HMP require that CSS be mitigated at an overall ratio of 2:1, with a creation component satisfying half of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.

A-9

- d. The Wildlife agencies disagree with potentially substituting another Group B habitat as mitigation for impacts to southern coastal bluff scrub. For example, simply preserving beach would not adequately offset impacts to this sensitive and rare habitat type. Therefore, mitigation for impacts to southern coastal bluff scrub should be in kind.

A-10

The draft PEIR indicates that Nuttall's lotus occurs within the proposed project area. The Wildlife Agencies consider Nuttall's lotus to be both locally and regionally sensitive. It is also included on the California Native Plant Society's (CNPS) List 1B.1. All plants included on List 1B, List 2, and some plants listed on List 3 meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or Section 2062 and 2067 (California Endangered Species Act) of the Department's Fish and Game Code and are eligible for listing. As such, the List 1B and List 2 species must be, and the List 3 species should be, fully considered in environmental documents prepared pursuant to the CEQA as required by Section 15380 of the CEQA Guidelines. The final PEIR should identify and describe the location(s) of the mitigation sites for the loss of this species. If the proposed mitigation itself would cause significant biological impacts (e.g., removal of sensitive habitat), additional CEQA analysis and review would be warranted [CEQA

A-7 Language in Section 7.0 of the BTR and Section 5.2.4 of the EIR has been revised to discuss the need for conservation easements, habitat management plans, and endowments.

A-8 Language in Section 7.0 of the BTR and Section 5.2.4 of the final EIR has been revised to reflect the no net loss policy for Diegan coastal sage scrub, consistent with the City of Carlsbad HMP.

A-9 Language in Section 7.0 of the BTR and Section 5.2.4 of the final EIR has been revised to reflect the fact that southern coastal bluff scrub shall be mitigated in kind rather than with another Group B habitat.

A-10 Nuttall's lotus was observed on site during surveys conducted by RECON; however, it was not mapped. HELIX conducted a rare plant survey within the proposed project area in 2006 and did not observe this species. As such, it was determined that no impacts to this species would occur. Section 6.0 of the BTR and Section 5.2.3 of the EIR have been revised to clarify findings related to this species. As such, no additional mitigation is required.

A-10
cont'd

- Guidelines, section 15126.4(a) (D)], and additional mitigation may be necessary. The monitoring and management plan prepared for the Nuttall's lotus mitigation should:
- specify success criteria that would meet mitigation needs;
 - describe contingency measures that would be implemented should the success criteria not be met;
 - require that all temporary irrigation, if any, be suspended at least two years prior to the expected end of the monitoring period;
 - provide for the long-term protection (we recommend a biological conservation easement) and management of the mitigation site;
 - require that permanent fencing be installed around the mitigation area(s) for the Nuttall's lotus; and
 - require the installation of interpretive signage on the fencing to inform people of the purpose of the enclosure and the need to protect the area.

A-11

- The draft PEIR indicates that there are 21.0 acres of non-native vegetation within the PBVVP area, and that 9.7 acres of this habitat type will be impacted. The draft PEIR describes these 21.0 acres as consisting of Hottentot fig, golden wattle, and Peruvian peppertree. While the aerial photograph provided in the draft PEIR (Figure 3-4) shows several trees in the areas designated as non-native vegetation in Figure 5.2-5, there also appears to be a significant quantity of area without trees or shrubs, suggesting that most all of the 21.0 acres may better be classified as non-native grassland (NNG). The draft PEIR indicates that the PBVVP area includes only 0.2 acre of NNG. The final PEIR should include verified vegetation mapping to determine whether the constituent components of "non-native vegetation" should be reconsidered as NNG as defined in Volume II, Appendix F, of the MHCP. If it is demonstrated that non-native vegetation habitats should be reclassified as NNG, impact and mitigation acreages (using a 0.5:1 ratio) should be revised and resubmitted to the Wildlife Agencies for review prior to finalizing the preparation of the final PEIR.

A-12

- Section 7-11 of the City's HMP requires that minimum buffer widths of 100 feet be provided for wetlands and 50 feet be provided for riparian areas. According to the draft PEIR, the Resort Hotel (RH) area would be located just north of Batiquitos Lagoon. The Wildlife Agencies request that the City or project applicant submit to us prior to preparation of the final PEIR an aerial photograph with an overlay of the proposed biological buffer between the development footprint and Batiquitos Lagoon. The scaled figure should also delineate the locations of the project-related fuel management, post-construction structural best management practices, and trails (if any), all of which would be within the development footprint, outside of the biological buffer. In addition, the figure should indicate the location of fencing and signage at the boundary between the development footprint and the buffer.

A-13

- The final PEIR should identify the potential for indirect impacts to the Least Tern Preserve from increased avian predator (e.g., raptors) perching on the proposed buildings and

Comment Letter A – US Fish and Wildlife Service & California Department of Fish and Game

A-11 In June 2006, HELIX updated vegetation mapping originally performed by RECON according to the MHCP Guidelines. It was determined at the time that relative cover of non-native grassland species was less than 30 percent and did not form a continuous or open cover. Therefore, the vegetation has been appropriately mapped and no changes are required. Over time, as individual applications are submitted to the City for review, vegetation mapping will likely need to be verified at a site-specific level to verify impacts and to determine the appropriate mitigation measures required (i.e. acreage that a land owner is individually responsible for providing to satisfy mitigation requirements).

A-12 The project study area occurs north of Batiquitos Lagoon. An approximately 40-foot slope separates the lagoon from the project study area with the project study situated atop a mesa. In addition, an approximately 30 foot swath of Diegan coastal sage scrub occurs between the proposed project footprint and project study area at the southeastern end of Figure 7 in the BTR. As discussed in Section 6.2.7 of the BTR, permanent fencing will be provided along the top of slope overlooking Batiquitos Lagoon. A fencing and signage plan will be required as part of the application process for the southernmost land ownership within the Ponto Area (area designated for Resort Hotel), to reduce potential direct and indirect impacts to sensitive species occupying the Lagoon. Given that the Vision Plan is a planning document and that this is a Program EIR, locations of post-construction stormwater best management practices and fuel management zones and precise development footprints have not been specified. As each project applicant comes forward with a specific project within the study area, they will be encouraged to keep all impacts within impact areas as discussed in the EIR. As discussed in Section 6.2.7 of the BTR, permanent fencing will be provided along the top of slope overlooking Batiquitos Lagoon. A fencing and signage plan will be provided with the project-specific application.

As a project applicant comes forward with a specific project within the Ponto Area, they will be encouraged to keep all proposed development within the impact area analyzed in the EIR to reduce the potential for additional impacts to occur. Although potential impacts and mitigation measures have been identified through preparation of the biological resources analysis, site-specific analysis will be required as individual development projects are proposed to verify vegetation mapping at the time an application is submitted. Potential impacts to sensitive habitats, plants and animals (including wetland buffers) and the appropriate

A-13
cont'd

landscaping within the RH area. We recommend that the final PEIR and subsequent project-related CEQA documentation include the following measures to avoid and minimize impacts on the least tern and other sensitive and/or migratory avian species.

A-14

a. All relatively tall structures and all landscaping within the project site should be situated away from sensitive habitats and/or should be designed in a manner to (a) prevent avian predators from perching on them with a line-of-sight into adjacent sensitive habitats, (b) reduce shading effects on sensitive habitats (e.g., the Least Tern Preserve), and (c) prevent avian collisions with reflective glass. For example, development within the RH area should be oriented so that the buildings, any tall landscaping, and light poles are located at the northern portion of the parcel while the parking is located at the southern end of the parcel. Any tall structures with line-of-sight into the Least Tern Preserve should include non-perching structures such as nixilate. In addition, we recommend that the final PEIR and subsequent CEQA documentation require that the windows of the buildings within the RH area have non-reflective glass. There is film (see-through from the inside) available to cover windows so that they are non-reflective and so that indoor lighting is not visible from the outside. Both of these features are advantageous in areas where there are likely to be avian collisions with windows resulting from the birds being attracted to and/or disoriented by their reflections and light. This measure applies to this project because of its adjacency to the Batiquitos Lagoon Ecological Reserve which supports many avian species and is within a major migratory pathway. A pertinent website to go to is <http://www.flap.org/new/prefr.htm>, and we can refer the City and applicant to additional resources.

A-15

b. Landscaping should not include trees that may provide nesting for pest species (e.g., rats) or avian predator perches with a line-of-sight into the Least Tern Preserve.

A-16

c. To at least partially mitigate for the project-related increase of predation of federally and/or state listed ground nesting birds (i.e., least tern), the final PEIR should require (a) that the applicant establish a non-wasting endowment that would accrue sufficient interest annually to underwrite the costs of the services of predator control specialists, such as U.S. Department of Agriculture, Wildlife Services, and (b) the in-perpetuity implementation of a predator control on the adjacent Least Tern Preserve. The City should coordinate with the Preserve Manager to determine the appropriate amount of the endowment commensurate with the project-related impacts.

A-17

5. The final PEIR should address and the subsequent project-related CEQA documents should fully analyze the direct, indirect (i.e., sky glow, light pollution), and cumulative biological impacts resulting from artificial night lighting (ANL) from the proposed development. Artificial night lighting disrupts important behaviors and physiological processes with significant ecological consequences (ANL Conference 2002; Moore 2000). The CEQA

Comment Letter A – US Fish and Wildlife Service & California Department of Fish and Game

mitigation measures required will be determined through the site-specific analysis (i.e. acreage that a land owner is individually responsible for to satisfy mitigation requirements).

A-13 Comment noted. As recommended, discussion of potential impacts to the Least Tern Preserve from avian predators has been added to Section 6.2.12 of the Biological Technical Report (Appendix C-3 of the EIR) and Section 5.2.3 of the EIR. Project design measures are provided as suggested to reduce potential impacts to less than significant.

A-14 Analyses of indirect impacts to the least terns located within Batiquitos Lagoon and avian collisions are included in Sections 6.0 and 7.0, as appropriate, of the BTR and Sections 5.2.3 and 5.2.4 of the Program EIR.

A-15 See response A-14, above.

A-16 As discussed in the BTR and EIR, predation by raptor species of least tern at Batiquitos Lagoon would be below a level of significance. As such, these suggested measures are not necessary.

A-17 Night lighting is discussed in Sections 6.0 and 7.0 of the BTR and Sections 5.2.3 and 5.2.4 of the EIR.

A-17
cont'd

documentation should describe the impact of ANL (direct illumination and sky glow) on the resident and migratory species within the projects' areas of potential effect. The analyses should consider all sources of ANL (outdoor and indoor), including lights on vehicles. The CEQA documentation should provide a delineation of areas with sensitive habitats that the project could directly or indirectly expose to levels of light of higher intensity than existing ambient levels (including increased sky glow). The delineation should be on an aerial photograph (a scaled figure). Based on the delineation, the CEQA documentation should propose specific measures for implementation that would prevent an increase in ambient light levels in sensitive habitats and avian migratory pathways."

A-18

6. The final PEIR should address and the subsequent project-related CEQA documents should fully analyze the direct, indirect, and cumulative biological impacts on the Ecological Reserve from the project-related construction and post-construction surface and subsurface flows. The CEQA documentation should (a) fully describe how these flows will be treated, controlled, and attenuated to pre-construction pollutant levels, volumes, and velocities prior to discharge to Batiquitos Lagoon (if that is their ultimate point of discharge) [i.e., the construction and post-construction structural and non-structural best management practices (BMPs)], and (b) provide figures that delineate the locations of the BMPs. The figures should be aerial photographs (a scaled figure) that also depicts the minimum 100-foot wide buffer between the development footprint and the Ecological Reserve.

A-19

7. The Wildlife Agencies offer the following suggestions regarding the specified mitigation measures.
 - a. Mitigation measure B-4 addresses domesticated pets and discusses resident education through signage and literature. Project applicants shall also install permanent protective fencing at the interface between developed and preserved/buffer areas and/or use other measures approved by the Wildlife Agencies to deter human and pet entry into on- or off-site habitat. Fencing should have only lockable gates (for access only by the land manager) and be designed to prevent intrusion by pets, especially cats. Signage for biological conservation easement areas shall be posted and maintained at conspicuous locations.

A-20

- b. Mitigation measure B-6 addresses errant construction. Where necessary, silt fencing should be installed in conjunction with orange construction fencing to prevent erosion into sensitive habitats. All temporary fencing (i.e., both silt and orange construction fencing) should be placed on the impact side and should result in no vegetation loss within the adjacent habitat areas and should be removed only after the conclusion of all grading, clearing, and construction. Any unauthorized impacts would need to be mitigated at a ratio of 5:1.

Comment Letter A – US Fish and Wildlife Service & California Department of Fish and Game

A-18

Comment noted. The Vision Plan provides a guide for future development of the Ponto Area. In the EIR, the hydrology and storm water quality analyses consider the four onsite areas where development applications have been submitted to the City. Although preliminary plans have been prepared for these projects, best management practices (BMPs) have not been selected as project designs have not been finalized, and therefore may change. In the areas where no applications currently apply, no project has been proposed, and therefore, there is no specific project design or hydrologic analysis available.

Section 5.10 of the EIR provides an analysis of the potential impacts to storm water and hydrology as the result of development of the Ponto Area. Best management practices are proposed to reduce potential short-term construction and long-term operational impacts from runoff and groundwater, as well as to the adjacent Batiquitos Lagoon. Possible site design BMPs include minimizing the impervious footprint and landscape design; source control BMPs may involve low-irrigation landscape design, storm drain stenciling and signage, and outreach for commercial activities. Treatment control BMPs, including Low Impact Design and Treatment Control measures, for the long-term may involve vegetated swales, catch basin/inlet inserts, and infiltration basins to allow for the onsite treatment of storm water, prior to such runoff leaving the Ponto Area.

All future development proposed within the Ponto Area would be required to prepare a Storm Water Pollution prevention Plan (SWPPP) as part of the application process to identify site-specific BMPs that would allow for onsite treatment of storm water. All development would be subject to the requirements of the Regional Water Quality Control Board (RWQCB) and City of Carlsbad's Standard Urban Storm Water Mitigation Plan (SUSMP) to reduce potential impacts from runoff.

In addition, as described in the Vision Plan, future development of the Ponto Area (other than plans submitted for the Hilton Carlsbad Beach Resort) is generally conceptual, and site design has not yet been finalized for the developments considered in the EIR analysis, BMPs have not yet been selected for implementation. Therefore, the BMPs cannot be effectively mapped until site-specific design and analysis occurs for individual ownerships within the Ponto Area. The requested figures are therefore not provided herein.

Mr. Don Neu (FWS-SDG-5328.1)

8

A-21

8. Section 4.1.3 of the draft PEIR discusses regulatory status, and in particular, the possible need for amendments to the Local Facilities Management Program and the Local Coastal Program. In the final PEIR, please present the specific reasons why amendments to these programs would be needed (i.e., what measures would need to be amended in order for the PBVVP to be consistent with these programs, and under what circumstances).

We appreciate the opportunity to provide comments on this project. Should you have any questions regarding this letter, please contact Marci Koski (Service) at (760) 431-9440 or Janet Stuckrath (Department) at (858) 637-5510.

Sincerely,



Therese O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Michael J. Mulligan
Deputy Regional Manager
California Department of Fish and Game

cc:

Christer Westman, City of Carlsbad
Tim Dillingham, California Department of Fish and Game
State Clearinghouse

Literature Cited

Artificial Night Lighting Conference. Ecological Consequences of Artificial Night Lighting.
The Urban Wildlands Group. <http://www.urbanwildlands.org/conference.html>

Moore, M. V., Pierce, S. M., Walsh, H. M., Kvalvik, S. K., and Julie D. Lim. 2000. Light pollution alters the diel vertical migration of Daphnia in Verh. International Verein. Limnol. October 2000.

Comment Letter A – US Fish and Wildlife Service & California Department of Fish and Game

- A-19 As discussed in Section 6.2.7 of the BTR, permanent fencing will be provided along the top of slope overlooking Batiquitos Lagoon. A fencing and signage plan will be required as part of the application review process for the southernmost land ownership within the Ponto Area (area designated for Resort Hotel) to reduce potential direct and indirect impacts to sensitive species occupying the Lagoon. In addition, language has been added to Section 7.3 of the BTR and Section 5.2.4 of the EIR regarding fencing related to pets.
- A-20 Language has been included in Section 7.3 of the BTR and 5.2.4 of the EIR regarding additional temporary fencing measures.
- A-21 Comment noted. Discussion has been added to Section 4.1.3 to clarify why amendments to the LFMP and Local Coastal Program may be required to ensure consistency between the Ponto Vision Plan and these documents. Refer also to Section 5.11, Land Use, and Section 5.12, Public Utilities and Services, of the EIR.

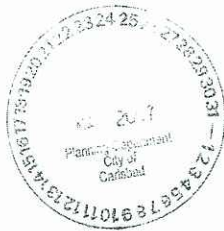
RTC-17

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 Taylor Street, M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY (800) 735-2929



*Flex your power!
Be energy efficient!*



May 22, 2007

Mr. Christer Westman
Planning Department
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

11-SD-5
PM 45.57
Poinsettia Lane
Ponto Beachfront Village
SCH 2007031141

Dear Mr. Christer:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the April 2007 Ponto Beachfront Village Vision Plan Draft Environmental Impact Report (SCH 2007031141). We have the following comments:

- B-1** The Traffic Impact Report needs to address the impacts this proposed development will have on both the Interstate 5 (I-5) main lanes and interchanges.
- B-1** The percentage of traffic accessing northbound and southbound I-5 appears low. This development proposes to build three hotels and town homes. Therefore, it would seem logical that most, if not all, of the traffic generated by this proposed development (visitors and employees) would use the freeway, not the arterials, to access the hotels and the town homes.
- B-2** The two closest interchanges on I-5 are at Poinsettia Lane to the north and La Costa Avenue to the south. It is very likely that most of the project's traffic will use both of these interchanges. Both of these interchanges have north to east dual rights and south to east dual lefts on the exit ramps to accommodate traffic heading eastbound. There are only single turn lanes provided for the westbound direction. This project will cause a demand for traffic to go west from the exit ramps. Additional turn lanes toward the westbound direction and/or storage space and auxiliary lanes should be considered for the northbound and southbound ramps.
- B-3** Caltrans supports "fair share" contributions from developers for interchange improvements and/or other mitigation measures due to traffic impacts from their projects. The I-5 North Coast Corridor Project is currently in Design and includes improvements to this area. It should be noted that funding for large transportation projects such as the I-5 North Coast comes from a variety of sources including TransNet sales tax as well as federal, state and local government sources. Caltrans is coordinating design, funding, and construction for I-5 widening, however these improvements cannot be assumed to be fully funded at this time.

"Caltrans improves mobility across California"

Comment Letter B – California Department of Transportation, District 11

- B-1** The traffic report was revised to reflect the freeway mainline and ramp analysis requested.
- Distribution of traffic is based on a select zone traffic model run, with land uses that reflect the proposed land uses included in the vision plan. The traffic analysis concluded that the proposed project did not result in any significant impacts on the I-5 interchange. Therefore, no mitigation is proposed or required. No changes to the EIR were required as a result of this comment.
- B-2** Traffic analysis was revised to reflect the appropriate intersection geometry as requested. No new impacts were identified as a result of this change. The traffic analysis did not identify any project impacts at the I-5/Poinsettia Lane and I-5/La Costa Avenue interchanges. Therefore, mitigation measures are not merited and not required.
- B-3** Comment noted. The traffic analysis did not identify any traffic impacts to segments of I-5. Therefore, fair share contributions are not required.

Christer Westman
May 22, 2007
Page 2

B-4

Developer contributions through fair share mitigation for new development impacts are an important source of funding for improvement cost and/or other mitigation measures due to traffic impacts created by development. Caltrans recommends that the City of Carlsbad implement mitigation, including fair share contributions, which will reduce the level of impact resulting from the proposed Ponto Beachfront Village development below the level of significance.

- Please submit to Caltrans a copy of the Final Environmental Impact Report.

If you have any questions, please contact Al Cox, Caltrans Development Review Branch, at (619) 688-6003.

Sincerely,



Jacob Armstrong, Acting Chief
Development Review Branch

Cc: Scott Morgan, State Clearinghouse

Comment Letter B – California Department of Transportation, District 11

B-4 Comment noted. Please see Response B-3 above.

The City of Carlsbad will include Caltrans on the distribution list to receive the Final EIR.

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

May 24, 2007

Christer Westman
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

Dear Mr. Westman:

Re: SCH# 2007031141; Ponto Beachfront Village Vision Plan EIR

C-1 [As the state agency responsible for rail safety within California, we recommend that the development project planned near North County Transit District's right-of-way be planned with the safety of the rail corridor in mind. The new development at Ponto Road and Carlsbad Blvd. (lat=33° 5'34.32"N, long=117°18'49.69"W) may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

C-2 [Safety factors to consider include but are not limited to appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

C-3 [The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the City.

Please advise us on the status of the project. If you have any questions in this matter, please contact me at (213) 576-7078 or at rxm@cpuc.ca.gov.

Sincerely,

Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Richard Walker, NCTD

Comment Letter C – Public Utilities Commission

C-1 The Vision Plan includes design measures to achieve livable streets and traffic calming measures, as well as for an integrated system of onsite trails and boardwalks to facilitate pedestrian and bicycle movement, and links to offsite trail systems. The project does not create any new intersections or new railway crossings as part of the project. There are no at-grade highway-rail crossings in the project area. The nearest crossings occur at Tamarack Avenue to the north and Leucadia Boulevard to the south. No potential traffic impacts were identified. Pedestrian circulation patterns will connect with existing trails and existing recreational uses in the area. The project does not propose to create or expand any existing pedestrian crossings. No mitigation or changes to the EIR are required.

The City will coordinate with the Public Utilities Commission as appropriate in the review of all future development proposals within the Ponto Area to ensure that required safety measures are integrated into project designs, with consideration for pedestrian and bicycle safety and the safety of adjacent residents or users.

C-2 Comment noted. Fencing will be installed along the eastern boundary of the Ponto Area with proposed future development, along the existing North County Transit District right-of-way, as required, to prevent trespassing and for safety purposes. Please see Response C-1 regarding coordination with Commission staff.

C-3 Comment noted. The City will coordinate with the Public Utilities Commission as appropriate in the review of future development proposals within the Ponto Area to ensure that required safety measures are integrated into project designs. See Responses to Comments C-1 and C-2.

May 29 07 03:33p

p. 1

FAX



Date: May 29, 2007

To: Chester Westman
Carlsbad Planning Department

FAX: (760) 602-8559

From: Denny Stoufer, North Sector Superintendent
San Diego Coast District
California State Parks

Phone: (760) 720-6375 **Cell:** (760) 271-4745

Mr. Westman,

Please find attached our comments regarding the Ponto Beachfront Vision Plan [EIR 05-05(SCH#2007031141)]. Please call if you have comments or require further information.



Comment Letter D – Department of Parks and Recreation,

RTC-21

STATE OF CALIFORNIA - RESOURCES AGENCY



DEPARTMENT OF PARKS AND RECREATION
San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110
(619) 688-3260 FAX (619) 688-3229

Arnold Schwarzenegger, Governor
RUTH COLEMAN, DIRECTOR

May 28, 2007

Christer Westman
Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008



Subject: Ponto Beachfront Village Vision Plan [EIR 05-05 (SCH#2007031141)]

Dear Mr. Westman,

D-1

Thank you for providing us with the Environmental Impact Report (EIR) for the Ponto Beachfront Village Vision Plan (EIR# 05-05 (SCH#2007031141)). California State Parks understands that the project involves a plan for hotel, residential, mixed use, and commercial development, and parkland. We have an interest in the proposed project because the proposed plan area is located adjacent to South Carlsbad State Beach and Campground (SCSB), and as such are concerned that the proposed project would reduce or degrade State Park Visitor experiences and increase our operating expenses.

D-2

After reviewing the EIR we are most concerned about the following issues: increased public use from the proposed developments through the existing campground to the beach; increased costs to California State Parks for litter removal, facilities maintenance, law enforcement, and lifeguard services; increased urban runoff, and potential impacts to native plant communities and sensitive wildlife.

D-3

The proposed plan calls for construction of several high density hotel and residential developments. These developments would increase the population in the area as well as increase the pedestrian traffic through South Carlsbad State Campground. We feel that these new visitors will create a substantial burden on our lifeguard and ranger staff and on our existing facilities (such as restrooms, trails, stairways, and trash and recycling services). Given our current facilities and the fact that these new visitors will not likely pay for parking, day or campground use, we do not have an adequate means to support this increased visitor usage.

Comment Letter D – Department of Parks and Recreation,

- D-1 Comment noted. No significant impacts to the State Beach have been identified. The project proposes to add approximately 104 public parking spaces to facilitate the use of the State Park.
- D-2 These comments are addressed specifically in Responses to Comments D-3 through D-6 below.
- D-3 The City does not concur with this comment. There is no evidence that the proposed project would create a substantial burden on State Park facilities. The lack of state funding or resources could be addressed through redistribution of state funds to allow for additional maintenance and personnel if needed; however, insufficient funding is not an environmental issue that requires analysis in the EIR.

Although future development would attract additional visitors to the Ponto Area, it is speculative to try to determine what percentage of visitors to the Ponto Area would utilize the State Beach and Campground and associated facilities. Recreational amenities are also envisioned onsite within the Ponto Area for visitors and guests to enjoy, and may reduce the number of people leaving the area to utilize the State Beach. The hotel uses would likely also support such amenities as swimming pools that may further reduce the number of beachgoers.

The proposed project includes additional parking to alleviate the lack of parking availability for existing beach and campground users. The project does not propose any development or disturbance on the campground or beach areas. With the exception of the proposed parking spaces, all development will occur east of Carlsbad Boulevard.

Comment Letter D – Department of Parks and Recreation.

D-4

The plan EIR proposes a substantial increase in urban non-permeable surfaces (buildings, parking lots, etc.) and increases in ornamental landscaping. These changes will likely increase urban runoff and a reduction in water quality at the State Beach.

D-4

The existing levels of urban runoff in the vicinity of South Carlsbad State Beach have accelerated the rate of bluff erosion on State Park land. We are concerned that the proposed developments will increase the volume and velocity of urban runoff, and further exacerbate the bluff erosion.

D-5

The proposed plan EIR calls for removal of approximately 1.6 acres of sensitive vegetation communities including southern willow scrub, southern coastal bluff scrub, and Diegan coastal sage scrub. Mitigation for these potentially significant impacts to environmentally sensitive habitat types is proposed through either on- or off-site creation or through off-site acquisition. Because these habitats are extremely rare within close proximity to the coast and often support a unique species composition we are concerned that offsite acquisition may not represent appropriate mitigation.

D-6

The EIR does not adequately address potential impact to San Diego Fairy Shrimp (*Branchinecta sandiegonensis*) as related to the planned development. San Diego fairy shrimp were recently discovered at South Carlsbad State Beach (near the intersection of Palomar Airport Road and Carlsbad Blvd.) on heavily degraded land that does not appear to support vernal pool topography. To avoid potential for "take" of a listed species a multi-year or dry season survey of low elevation areas would be prudent.

D-7

Again, thank you for the opportunity to provide comment. We hope for a well thought-out plan that takes into consideration State Park visitors and supports sensitive biological resource conservation.

Sincerely,



Ronilee A. Clark, Superintendent
San Diego Coast District

cc: Denny Stoufer, North Sector Superintendent, California State Parks
Darren Smith, Environmental Scientist, California State Parks

The City of Carlsbad concurs that the project will result in an increase in non-permeable surfaces and ornamental landscaping on the property; however, the Vision Plan provides a conceptual illustration of future development envisioned in the Ponto Area, and does not represent actual landscaping that would be proposed with development of individual properties. All future development within the Ponto Area would be subject to City regulations pertaining to landscaping and irrigation requirements as well as water quality measures, as applicable at the time that an application is submitted to the City for review. A landscape plan would be prepared for each development project and reviewed by the City to ensure conformance with requirements given in the City's Landscape Manual. City landscaping guidelines prohibit the use of exotic or invasive plant species and water quality standards.

As stated in the Geotechnical Hazards Analysis (Appendix H of the EIR), the coastal beach bluffs of Carlsbad State Beach are in excess of 200 feet to the west of the Ponto Area. The bluffs are up to 50 feet in height, with gradients at some locations steeper than 1:1, and are composed primarily of sandstone material..

As stated in the geotechnical report, groundwater seepage was not observed on the face of the slopes surrounding the Ponto site. Based on the dense condition of the onsite soils and the apparent absence of near surface groundwater, potential hazards with respect to liquefaction or bluff failure is considered low. Additionally, other seismic shaking related soil hazards, such as seismically induced settlement and lateral spread, are also considered to be low.

In addition, a Storm Water Management Plan (SWPP) will be required for all future development within the Ponto Area to address storm water design on a site-specific basis to ensure that runoff in the form of water used for irrigation is properly treated before it leaves the site or enters into the groundwater. The SWPP will be required to demonstrate that runoff leaving a development site will not increase the velocity or volume of runoff, and therefore, will not contribute to bluff erosion. If determined necessary based on site-specific characteristics at the time development is proposed, measures shall be taken to reduce the potential for erosion to occur.

Refer to Response to Comment A-18 regarding hydrology and storm water quality.

Comment Letter D – Department of Parks and Recreation,

D-5 The mitigation measures for impacts to sensitive habitats have been revised in response to USFWS and CDFG comments and are consistent with the approved Carlsbad Habitat Management Plan (HMP). Any restoration plan and/or purchase of credits from a mitigation bank will be subject to USFWS and CDFG approval.

Refer also to Response to Comments A-4 through A-9.

D-6 Language regarding the potential for San Diego and Riverside fairy shrimp has been added to Table 5 of the Biological Technical Report and Table 5.2-4 of the EIR. Although Poinsettia Lane vernal pools preserved north of the project study area support the San Diego fairy shrimp, the potential for this species to occur onsite is low, due to the lack of appropriate habitat (ponding water). Similarly, Poinsettia Lane vernal pools preserved north of the project study area support Riverside fairy shrimp; however, this species is unlikely to occur onsite, due to lack of appropriate habitat (pools of appropriate depth). Additional site-specific surveys may be required during the project-level environmental analysis to identify existing conditions onsite at the time future development is proposed.

D-7 Comment noted.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



May 7, 2007

Christer Westyvan

CITY OF CARLSBAD

1635 Farraday Avenue
Carlsbad, CA 92008

Re: SCH#2007031141: CEQA Notice of Completion; Draft Environment Impact Report (DEIR) for Ponto Beachfront Village Vision Plan EIR Project, City of Carlsbad, San Diego County, California

Dear Christer Westyvan:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf>. The record search will determine:
 - If a part of the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

Comment Letter E – Native American Heritage Commission

- E-1 Comment noted. The project is consistent with this requirement.
- E-2 Comment noted. The project is consistent with this requirement.
- E-3 Comment noted. The project is consistent with this requirement.
- E-4 Comment noted. The project is consistent with this requirement.
- E-5 Mitigation Measure CR-1 is provided in the EIR to address discovery of Native American human remains or unmarked cemeteries. If any human bones are discovered, the Principal Investigator shall contact the City Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains. Refer to Section 5.3.4 of the EIR.

E-5
cont'd

E-6

E-7

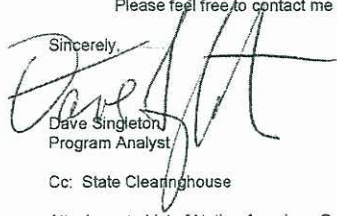
* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

Comment Letter E – Native American Heritage Commission

- E-6 Comment noted. Site development activities would be consistent with the requirements of such procedures if human remains are discovered. Refer to Mitigation Measure CR-1 in Section 5.3.4 which addresses the accidental discovery of any human remains.
- E-7 Comment noted. As no significant resources were identified onsite, there are no known resources to avoid. If undiscovered and potentially significant resources are identified during site improvement activities, such resources would be evaluated and a Data Recovery Program to mitigate impacts to less than significant shall be prepared by the consulting archaeologist, approved by the City, then carried out using professional archaeological methods. Refer to Mitigation Measure CR-1 in Section 5.3.4 of the EIR.

Native American Contacts
San Diego County
May 7, 2007

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302 Kumeyaay
Boulevard , CA 91905
(619) 766-4930
(619) 766-4957 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside , CA 92040
(619) 443-6612
(619) 443-0681 FAX

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365 Diegueno
Valley Center , CA 92082
(760) 749-3200
(760) 749-3876 Fax

San Luis Rey Band of Mission Indians
Henry Contreras, Most Likely Descendent
1763 Chapulin Lane Luiseno
Fallbrook , CA 92028
(760) 728-6722 - Home
(760) 207-3618 - Cell

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumeyaay
Alpine , CA 92001
(619) 445-0385

San Luis Rey Band of Mission Indians
Russell Romo, Chairman
12064 Old Pomerado Road Luiseno
Poway , CA 92064
(858) 748-1586

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley , CA 91962
(619) 709-4207

San Luis Rey Band of Mission Indians
Carmen Mojado, Co-Chair
1889 Sunset Dr. Luiseno
Vista , CA 92081

Comment Letter E – Native American Heritage Commission

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007031141; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Ponto Beachfront Village Vision Plan EIR; City of Carlsbad; San Diego County, California.

Comment Letter E – Native American Heritage Commission

Native American Contacts

San Diego County
May 7, 2007

San Luis Rey Band of Mission Indians
Mark Mojado, Cultural Resources
P.O. Box 1 Luiseno
Pala , CA 92059 Cupeno
(760) 742-4468
(760) 586-4858 (cell)

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007031141; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for Ponto Beachfront Village Vision Plan EIR; City of Carlsbad; San Diego County, California.



**SAN LUIS REY BAND
of Mission Indians**



Tribal Council

Russell Romo
Captain

Carmen Mojado
Secretary of Government
Relations

Charlotte Herrera
Secretary of the Treasury

Tom Beltran
Secretary of Economic
Development

Al Cerda
Secretary of Tribal Ethics
and Information

Clara Guy
Tribal Elder

Henry Contreras
Council Member

Mel Vernon
Council Member

Mary Lou Beltran
Council Member

Carrie Lopez
Tribal Advisor

Merri Lopez Esq.
Tribal Legal Advisor

Contact Information
1889 Sunset Drive
Vista, CA 92081

Tel: (760) 724-8505
Fax: (760) 724-2172

Revised 01/03

Re: SB 18 CONSULTATION

Site Name:

Site Number:

Dear

☒ The San Luis Rey Band of Mission Indians does wish to participate in formal consultation with the City of Carlsbad pursuant to SB 18 regarding the above referenced project and Village Plan. Please send us a copy of the cultural resources report for the project.

☐ The San Luis Rey Band of Mission Indians does not wish to participate in formal consultation with the _____ pursuant to SB 18 regarding the above referenced project and _____ Plan. We understand that this does not limit the Band's ability to comment or claim any artifacts or cultural items found during excavation or any ground-disturbing activity associated with the above project. The Band requests that the Developer notify the Band in the event that such items are found so that an appropriate tribal monitor can be sent to the project site.

Sincerely,

Russell Romo
Russell Romo, Tribal Captain
San Luis Rey Band of Mission Indians

Comment Letter F – San Luis Rey Band of Mission Indians

F-1 Comment received. The City of Carlsbad has forwarded a copy of the Cultural Analysis to the San Luis Rey Band of Indians for review and comment.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

7 May 2007



To: Mr. Christer Westman
Planning Department
City of Carlsbad
1635 Faraday Avenue
Carlsbad, California 92008-7314

Subject: Draft Environmental Impact Report
Ponto Beachfront Village Vision Plan
EIR 05-05

Dear Mr. Westman:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its cultural resources appendices, we have the following comments:

- G-1 1. Appendix D-2, the 2003 Cultural Resource Constraints Study, indicates that RECON was aware of the 1985 Smith and Moriarty work at SDI-11026, but recommended additional testing (two test units and four shovel test pits) at the site. This work was not accomplished as part of the work described in Appendix D-1.
- G-2 2. Section 4.2 of Appendix D-1 lists the sources that were consulted. The 1928-1929 aerial photograph series is not listed, nor does it appear on the list of references. The photos could provide useful information on structures that existed at the time, both for confirming the age of existing structures and perhaps identifying locations where structures previously existed so that archaeological monitoring needs to be required.
- G-3 3. Since the current project relies upon the 1985 fieldwork, the archaeological collection and associated records for that work should be brought up to contemporary standards and curated at an institution meeting the standards of the State's *Guidelines for the Curation of Archaeological Collections*.
- G-4 4. The detailed mitigation measures included in Section 5.3.4 of the DEIR are, other than omitting a curation requirement for the 1985 collection as mentioned above, generally acceptable. We would suggest that, given that implementation of this project is likely to

P.O. Box 81106 • San Diego, CA 92138-1106 • (658) 538-0935

Comment Letter G – San Diego County Archaeological Society

- G-1 RECON was aware of the 1985 Smith and Moriarty work at the site and recommended additional excavations. Excavations conducted by Smith and Moriarty for W-84 (1985) consisted of the placement of nine mechanically excavated trenches, two standard one-square meter excavation units, and two "block" two-square meter excavation units. Due to the diffuse scattering of surface artifacts over a wide-ranging area from agricultural disturbances, the trenching was systematically conducted to identify subsurface deposits within the site that would have the greatest potential to yield the highest density of artifacts. The trenching resulted in the identification of only a small area in the extreme southeast corner of the site, adjacent to the Railroad right-of-way (destroyed portion of the site), where a substantial midden deposit was located. The remainder of the site did not contain any evidence of midden deposits. The substantial midden deposit located in the southeast corner of the site measured only 60 by 50 feet (18.2 by 15.2). The two two-meter square units and the two trenches located within this portion of the site constitute an adequate sampling of the deepest and richest portion of the site. The testing resulted in the determination that the research potential of the site was limited. Any additional work suggested by RECON would have been unnecessary and redundant.
- G-2 The 1928-1929 aerial photograph series were not reviewed in lieu of the results of an onsite, intensive pedestrian survey. The survey, and subsequent review of all the structures within the project by Larry Pierson, BFSAs senior archaeologist and historian, failed to identify any historic structures with adequate integrity or significance according to CEQA or City of Carlsbad criteria. If any resources had been identified within the project that were potentially significant according to CEQA or City of Carlsbad criteria, the 1928-1929 aerial photograph series would have been a valuable tool in identifying the structure's age. In regard to identifying locations for monitoring, BFSAs recommended monitoring for grading activities in their entirety, so any buried historical resources would have been identified regardless.
- G-3 It is agreed that older artifacts should be brought up to contemporary curation standards. However, all associated artifacts from the excavations conducted in 1985 by Smith and Moriarty have been transferred to Mark Mojado of the San Luis Rey Band of Mission Indians and are not available to the City.
- G-4 The timeline for curating artifacts should be based on the proper analysis and treatment of artifacts relative to the amount of artifacts recovered. In

RTC-30

G-4
cont'd

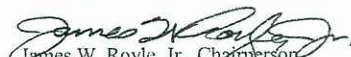
extend over some time, the completion of curation mentioned in A.1.j for CR-1 should be required within six months of the completion of the fieldwork, not of project completion.

G-5

5. By way of an editorial comment, in a number of places in Section 5.3 of the DEIR, "Principal Investigator" is misspelled "Principle Investigator".

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: RECON
Brian F. Smith and Associates
SDCAS President
File

Comment Letter D – Department of Parks and Recreation,

other words, the more artifacts recovered, the longer it will take to properly analyze, manage, and then prepare artifacts for transfer to an acceptable repository.

G-5

Comment noted. Change made to Section 5.3.4 as requested.



401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 699-1900
Fax (619) 699-1905
www.sandag.org

May 9, 2007

Christer Westman
City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008



File Number 3003900

SUBJECT: Draft Environmental Impact Report for Ponto Beachfront Village

The purpose of this letter is to transmit the San Diego Association of Government's (SANDAG) comments to the City of Carlsbad on the draft Environmental Impact Report (EIR) for the Ponto Beachfront Village. As the regional planning agency, SANDAG commends the City for its vision for the Ponto Beachfront Village as a thriving and active community center within the region, and we appreciate being included in your efforts to coordinate a comprehensive planning approach for the City of Carlsbad.

Our comments, which are based on policies included in the Regional Comprehensive Plan (RCP) are submitted from a regional perspective and emphasize the need for land use and transportation coordination.

The Ponto Beachfront Village Vision Plan is located in an area designated for higher intensity development on the RCP Smart Growth Concept Map and is served by a significant regional public transit service. When the EIR addresses potential transportation, parking, and air quality impacts, it should not only consider the accommodation of automobile access, but also encourage pedestrian and bicyclist access in the Village through good urban design and attractive bicycle and pedestrian facilities.

Land Use/Housing

Ponto Beachfront Village is designated as a potential Community Center Smart Growth place type. Density ranges for this Smart Growth place type include 20-plus dwelling units per acre.

The Smart Growth Concept Map describes a Community Center as: "An area with housing within walking/biking distance of transit stations with low- to mid-rise residential, office, and commercial buildings and is served by local high-frequency transit." In particular, the City of Carlsbad described the area where the project site is located as: "part of the South Carlsbad redevelopment area that consists of a 50-acre site, located west of the San Diego Northern Railroad and south of Poinsettia Avenue, across

Comment Letter H - SANDAG

H-1 Comment noted.

H-2 Comment noted. Language has been added to Section 3.0, Project Description and Section 5.6, Traffic and Circulation, of the EIR to address that the Ponto Area is located in an area designated for higher density on the RCP Smart Growth Concept Map. Densities proposed with future development would be consistent with the underlying General Plan Land Use designation (unless a GPA is approved), and as appropriate with the types of land uses identified in the Vision Plan. The Vision Plan provides guidelines for the integration of bicycle facilities, pedestrian walkways, a multi-use trail, and links to the regional trail system, among other elements, into development proposed so as to support and encourage the use of alternative modes of transportation.

H-3 Comments noted. Future development within the Ponto Area will be consistent with the City's intent for establishing the Vision Plan Area and designating a portion of the Ponto area as a redevelopment district. Densities proposed would be consistent with the underlying General Plan Land Use designation (unless a GPA is approved), and as appropriate with the types of land uses identified in the Vision Plan. Proposed residential densities are consistent with the Community Center Smart Growth place type.

Elements would be integrated into future project design on a site-by-site basis to identify opportunities to provide pedestrian/bicycle linkages to transit facilities (i.e. train, bus, etc.) in the surrounding area. In addition, elements such as walkways, trails, and bike lanes will be integrated into future project and roadway designs to encourage the use of alternative means of transit and provide access to offsite transportation facilities.

The Ponto Vision Plan provides a guide for development of the Ponto Area, rather than site-specific design standards. Prior to construction, engineering plans would be prepared with design details, including consideration for the bus stop, and means of encouraging alternative modes of travel, including pedestrian-oriented design elements and connections to public transit facilities.

H-4 Comment noted. The Vision Plan envisions a series of elements to encourage and support pedestrian and bicycle movement both onsite and via connections to offsite circulation facilities. In addition, the Plan provides design guidelines for enhanced landscaped medians, raised mid-block crosswalks, pedestrian connections and bump-outs to create liveable streets with integrated traffic-calming elements. Such elements

MEMBER AGENCIES

Cities of
Carlsbad
Chula Vista
Coronado
Del Mar
El Cajon
Encinitas
Escondido

H-1

Imperial Beach
La Mesa
Lemon Grove
National City

H-2

Oceanside
Poway
San Diego
San Marcos
Santee
Solana Beach
Vista

and

County of San Diego

ADVISORY MEMBERS

Imperial County

H-3

California Department
of Transportation
Metropolitan Transit System

North San Diego County
Transit Development Board

United States
Department of Defense

San Diego
Unified Port District

San Diego County
Water Authority

Mexico

H-3
cont'd

Carlsbad Boulevard from the South Carlsbad State Beach and Campground. The City Council approved in June 2005, a 'vision plan' for the area with a land use mix that combines tourist-serving uses (three hotels with time share units), a mixed-use core that provides for townhomes, live-work units, and mixed residential/retail development, with a separate townhouse area with densities up to 23 units per acre."

Based on adopted regional policies and recent development trends occurring at the mid- to lower-end of permitted density ranges, and given that the Ponto Beachfront Village is designated as a Community Center on the Smart Growth Concept Map, we encourage the City of Carlsbad to consider proposing density ranges consistent with the Community Center category in the RCP.

Transit-Friendly Design

H-4

North County Transit District currently operates a fixed route bus service (Route 101) along Carlsbad Boulevard, parallel to the project site. In order to increase accessibility to the bus stop locations from the project site, we encourage the City to use existing resources such as Designing for Transit, SANDAG Pedestrian Design Guidelines, and the Urban Form chapter of the RCP to further refine the design of future streets and roads within the area. *Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities*, published by the Institute of Transportation Engineers, is another useful reference. These resources encourage transit and pedestrian-friendly design techniques, including a grid system of street networks, smaller block sizes, narrower streets, enhanced medians, and other mechanisms.

Affordable Housing

H-5

Ensuring the provision of affordable housing is an important goal throughout the region as stated in the RCP and the Regional Housing Needs Assessment for the 2005-2010 housing element cycle. We encourage the City to consider ways to provide housing opportunities for residents of all income categories in the preparation of the vision plan.

We again would like to express our appreciation for the opportunity to collaborate with the City on the Ponto Beach Village Vision Plan.

If you have any questions, please feel free to call me at (619) 699-1943 or e-mail me at sba@sandag.org.

Sincerely,



SUSAN BALDWIN
Senior Regional Planner

SBA/mha/mwo

Comment Letter H - SANDAG

would be designed consistent with City design standards and would consider pedestrian-friendly design techniques and encourage the use of transit.

H-5

Comment noted. A portion of the Ponto Area is located within the South Carlsbad Coastal Redevelopment Area (SCCRA). The intent of the Redevelopment Plan for the area is to develop properties that are improperly utilized to eliminate blight, provide affordable housing, and enhance economic opportunities (February 2000), among other goals. The City has a City-wide Inclusionary Housing Ordinance. Affordable housing within the Ponto Area would therefore be provided to lower income individuals, consistent with the requirements of the City, the SCCRA Plan, and the City's Inclusionary Housing Ordinance.



City of
Encinitas

May 29, 2007

Mr. Christer Westman
Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

SUBJECT: Draft EIR for the Ponto Beachfront Village Vision Plan (EIR 05-05)

Dear Christer:

The City of Encinitas appreciates the opportunity to comment on the above-referenced Draft EIR. Staff's comments are provided as follows:

- I-1 [1. Section 3.2.10 (Discretionary Actions and Approvals by Other Agencies): The traffic mitigation measures provided in the EIR would require improvements at the intersections of La Costa Avenue/Vulcan Avenue and La Costa Avenue/North Coast Highway 101. Both of these intersections are located within Encinitas. It should be noted that the intersection improvements would require Encinitas' issuance of a Coastal Development Permit and possibly a Design Review Permit. As such, staff anticipates using the subject EIR for purposes of satisfying CEQA when processing the applications for these entitlements.
- I-2 [2. Page 5.6-9: The text indicates 15,161 daily trips for the Carlsbad General Plan and Ponto Vision Plan land uses. However, as indicated in Table 5.6-3, General Plan trips would range from 12,708 to 15,408 daily trips. Please clarify this discrepancy.
3. Section 5.6.4.1 (Mitigation Measures for Significantly Impacted Intersections): Please address the following comments regarding the proposed traffic mitigation measures:
- I-3 [a. The EIR should evaluate the need for improvements at the La Costa Avenue/NCTD bridge in conjunction with the proposed improvements at La Costa Avenue/North Coast Highway 101. The intersection improvements may be infeasible without widening the bridge.
- I-4 [b. Please address the feasibility of installing a traffic signal at the La Costa Avenue/Vulcan Avenue in conjunction with existing roadway geometries (e.g., La Costa Avenue/NCTD bridge) and mitigation measures proposed for the La Costa Avenue/North Coast Highway 101 intersection.



Comment Letter I – City of Encinitas

- I-1 Section 5.6.5 of the EIR has been revised to clarify and amplify the status of mitigation measures adopted by the City of Encinitas to improve the La Costa Avenue/Highway 101 intersection and La Costa Avenue east through the Vulcan Avenue intersection. The expanded discussion also clarifies the City of Carlsbad's implementation of the pro-rata contribution to improvements at this intersection.
- I-2 Page 5.6-9 of the EIR was changed to clarify that existing General Plan designations would result in 12,708 to 15,408 daily trips. The General Plan provides for ranges in densities and development for the site that would result in a range in daily traffic that could be generated by the site based on the allowable uses under the General Plan. The Vision Plan narrows down the land uses and specifies the densities on site, which results in the specific 15,161 trips per day. This is intended to show that the land uses proposed under the Vision Plan are within the range that would be generated based on the land uses allowed under the existing General Plan designations for the site.
- I-3 The identified improvements are consistent with the improvements identified in projects approved by City of Encinitas including the North 101 Corridor Specific Plan project, the Shoreline Resort, and Encinitas Beach Resort (approved by City of Encinitas and currently in design by KSL). The City of Encinitas has adopted findings (Resolution Numbers 97-24, PC 2005-34, 91-38, and 99-19) that the proposed intersection improvements (without the bridge widening) would reduce potential impacts to less than significant. The City of Carlsbad has agreed to pay a fair share of the La Costa Avenue roadway improvements (including bridge widening and from the Highway 101 intersection) through the Vulcan Avenue intersection. Please see expanded discussion in Section 5.6.4 of the EIR.
- I-4 It may be infeasible at this time to install a traffic signal at this location with the current land configuration. However, a future traffic signal at this intersection should be considered with the widening of La Costa Avenue. Other approved projects in the City of Encinitas (Coral Cove Tentative Map PC 06-29) have identified minor changes to the lane configuration at this intersection which are interim improvements to offset project impacts, but do not address the long term impacts associated with the delay to left turn vehicles.

Comment Letter I – City of Encinitas

- I-5 [c. The EIR should address all potential environmental impacts associated with implementation of all traffic mitigation measures.
- I-6 [d. Please note that, at this time, it is unlikely that city staff would support restricting the left-turn access at the La Costa Avenue/Vulcan Avenue intersection.
- I-7 [e. The traffic analysis should address the mitigation measures proposed for the La Costa Avenue/Vulcan Avenue intersection that will be implemented by the approved Coral Cove project (Shea Homes, city case #03-090).
- I-8 [f. The traffic analysis should address the mitigation measures proposed for the La Costa Avenue/North Coast Highway 101 intersection that will be implemented by the approved Encinitas Beach Resort Hotel (#89-014/#93-172).
- I-9 [g. Updating Carlsbad's Capital Improvement Program (CIP) does not appear to be an appropriate means of ensuring the enforcement of mitigation measures for impacts on roadway facilities within Encinitas' jurisdiction. The City of Encinitas does not administer Carlsbad's CIP. All pending and future trip-generating development on the project site should be conditioned to ensure the ultimate funding and implementation of any necessary traffic mitigation measures within Encinitas. It should be noted future improvements to the intersections of La Costa Avenue/Vulcan Avenue and La Costa Avenue/North Coast Highway 101 are not programmed as part of Encinitas' CIP. Therefore, it is questionable under CEQA whether the project's proportionate fair-share contributions would ensure traffic impacts are fully mitigated in absence of adopted programmed improvements for the affected intersections.
- I-10 [h. The mitigation measures should clearly identify triggering mechanisms and thresholds under which mitigation measures should be implemented. Any phasing of project development or limits on development intensities should be clearly defined at this time.
- I-11 [4. Chapter 6 (Project Alternatives): Each alternative should analyze whether significant impacts at the affected roadway facilities would be avoided. In addition, the EIR should address an alternative that restricts left-turn movements from project access points along Carlsbad Boulevard.
5. The following comments are provided by the city's traffic engineering staff for the project's traffic study:
- I-12 [a. Please analyze project impacts at the intersection of La Costa Avenue/Sheridan Road. This tee-intersection has issues similar to the intersection of La Costa Avenue/Vulcan Avenue.

I-5 The EIR addresses all potential environmental impacts associated with the project and proposed mitigation measures. No changes to the EIR analysis are required.

I-6 Comment noted.

I-7 The traffic report has been revised for cumulative and horizon year conditions to include one dedicated right turn lane and one dedicated left turn lane northbound on Vulcan Avenue at La Costa Avenue, as conditioned for the Coral Cove Project. Discussion of the Coral Cove Project traffic improvements have been added to Section 5.6.5 of the EIR.

I-8 The traffic analysis was revised to reflect the geometry at La Costa Avenue/Coast Highway for future scenarios (cumulative and future) including the improvement plans currently being prepared for the Encinitas Beach Resort project.

I-9 Section 5.6.4 of the EIR has been revised to amplify and clarify the proposed mitigation measures and their implementation. The Highway 101/La Costa Avenue intersection is within the responsibility and jurisdiction of the City of Encinitas. The City of Encinitas has approved and adopted mitigation measures to improve this intersection with the following projects: The North 101 Corridor Specific Plan (89-254), the Coral Cove Tentative Map (03-090), Shoreline Resort (00-201), and the Encinitas Beach Resort Hotel (89-01/93-172). Future development from the Ponto Vision Plan area will pay a pro-rata contribution to the City of Encinitas for improvements to the La Costa Avenue widening (including future bridge widening) from the Highway 101 intersection through the Vulcan intersection. Based on the traffic analysis and a preliminary cost estimate prepared by the City of Carlsbad, future development will pay 27% of the \$5,624,000 anticipated project cost or \$1,518,480.

The projected impacts occur under 2030 traffic scenarios and would occur with or without the proposed project. The Ponto Beachfront Village Vision Plan is consistent with existing General Plan designations used at the time the North 101 Corridor Specific Plan traffic analysis was prepared and are still accurate as the General Plan Land Use designations will not change with the Vision Plan. Therefore, because future development in the Ponto area would contribute a pro-rata or fair share amount to the City of Encinitas towards improvements previously adopted by the City of Encinitas, potential traffic impacts to the La Costa Avenue/Highway 101/Carlsbad Boulevard intersection are considered less than significant.

- I-13 [b. Leucadia Boulevard/N. Coast Highway 101: All project traffic is assumed to travel north/south through this intersection. No project traffic is forecast to access Leucadia Boulevard, which does not seem realistic. Please verify the distribution/assignment at this location.
- I-14 [c. Leucadia Boulevard/N. Coast Highway 101: The intersection is analyzed as an isolated intersection under all scenarios. A single controller operates Leucadia Avenue/N. Coast Highway 101 and Leucadia Avenue/Vulcan Avenue. Therefore, turning movements and phasing at Vulcan affect the service levels at N. Coast Highway 101. Please adjust accordingly.
- I-15 [d. Leucadia Boulevard/N. Coast Highway 101 Geometry: The northbound and southbound approaches appear to be transposed. However, the northbound right is not defacto. There is a short exclusive lane.
- I-16 [e. La Costa Avenue/N. Coast Highway 101: The future year scenarios do not include traffic associated with the Encinitas Beach Resort project. The project will add the west leg of the above intersection. The analysis of this intersection with additional traffic and split phasing on La Costa Avenue will change service level results and may affect mitigation recommendations.
- I-17 [f. Intersections #28, #34: North/South roadway should be N. Coast Highway 101, not Carlsbad Boulevard. This revision should be reflected throughout the EIR and traffic study.
- I-18 [g. Traffic Study, Page 13: Please provide a description of La Costa Avenue from N. Coast Highway 101 to I-5.
- I-19 [h. 2010, 2030 ADT Exhibits: All future year ADT exhibits show La Costa/I-5 NB Off-Ramp volume at 6,300. Please adjust accordingly.
- I-20 [i. La Costa Avenue – Vulcan Avenue to Interstate 5 Segment Analysis 2010/2030: What is causing the large discrepancy in westbound traffic on either side of Vulcan Avenue? Please verify the volumes.
- I-21 [j. La Costa Avenue segment: Table 14 of the traffic study shows LOS F and a significant impact based on criteria listed on page 78. However, the text on page 78 indicates that all segments are forecast to operate acceptably and indicate no significant impacts. It appears that project traffic would exacerbate LOS F conditions and result in a significant impact on this segment by increasing the V/C ratio by more than 2%. The EIR should disclose this significant impact and provide mitigation measures that would reduce the impact below a level of significance.
- I-22 [k. Please ensure that the Interim (Year 2010) analysis includes trips from the following projects in the study area that are approved but not built: Chevron Service Station

Comment Letter I – City of Encinitas

- I-10 Please see Response I-9 above regarding the implementation of the mitigation measures.

La Costa Avenue is currently operating at LOS D and approaching LOS E based on existing traffic volumes collected specifically for the analysis of this project. As the Ponto Vision Plan is not a development project, but a plan that will guide development within the project boundaries, development of the properties within the study area will occur over time. It is likely that La Costa Avenue will exceed LOS D standards prior to the first stages of development occurring on the Ponto Vision Plan area due to other developments within the City of Encinitas. Therefore, each project within the Ponto area will make a pro-rata contribution to the City of Encinitas to address roadway and intersection improvements on La Costa Avenue.
- I-11 Table 6-1 of the EIR identifies which project alternatives reduce potential traffic impacts. Only the No Development Alternative avoids traffic impacts. There is no evidence that a project alternative restricting left turns out of the project site would reduce potential traffic impacts. Therefore, an additional mitigation measure was not analyzed in the EIR.
- I-12 The City of Encinitas provided traffic count data for this intersection, which is included in the revised traffic impact analysis report and Section 5.6 of the EIR.
- I-13 Trip distribution percentages in the traffic report were based on the SANDAG select zone assignment. Following this comment from the City, trip distribution percentages were discussed with City of Encinitas and were revised in the technical traffic report to their satisfaction. This resulted in a shift of 4% to the east on Leucadia Boulevard. No new impacts were identified as a result of this change.
- I-14 According to City of Encinitas, this pair of intersections operates on one traffic signal controller resulting in long cycle lengths. The traffic operational analysis of Leucadia Boulevard/N. Coast Highway 101 was revised to reflect a longer cycle length to reflect the existing traffic signal operations. The cycle length was assumed to be 200 seconds to provide a conservative worst-case scenario analysis. No new or more severe impacts were identified.
- I-15 Traffic operational analysis of this intersection has been reviewed to ensure the appropriate lane geometry was used and revised to reflect the

I-22
cont'd

(city case #01-092), Coral Cove Tentative Map (#03-090), Shoreline Resort (#00-201), and Encinitas Beach Resort Hotel (#89-014/#93-172).

I-23

6. Any revisions to the traffic study as provided in the above comments should be reflected in Chapter 5.6 of the EIR.

Should you have any questions regarding the above comments, please contact me at 633-2698 or Nestor Mangohig (Traffic Engineering Division) at 943-2298.

Sincerely,



Scott Vurbef
Environmental Coordinator

cc: Phil Cotton, City Manager
Patrick Murphy, Planning Director

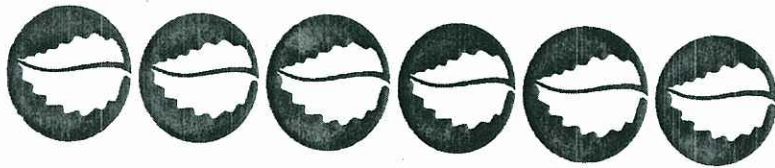
Comment Letter I – City of Encinitas

appropriate changes. No new impacts were identified and no additional changes to the EIR are required.

- I-16 The project was included in the analysis, but not assigned directly to the intersection at La Costa Avenue. The intersection operational analysis for the intersection of La Costa Avenue/N. Coast Highway 101 has been revised to reflect this project. The change in Level of Service was reflected in the traffic study and EIR; however, the proposed mitigation measures reduce potential impacts to less than significant.
- I-17 The text was revised to reflect the appropriate street name.
- I-18 The text was revised to address the description of La Costa Avenue from N. Coast Highway 101 to I-5.
- I-19 The segment referred to in this comment is actually Piraeus Street and not the I-5 Northbound Off-Ramp. The proposed project does not add any traffic to this segment. Nonetheless, the traffic study and EIR have been revised to show the 2030 segment volumes to be 9,500 ADT. This change does not result in any new or more severe impacts. No change was required for the 2010 volumes.
- I-20 The 2010 and 2030 volumes were verified and determined to be accurate. It is expected that the discrepancies are a result of the traffic model taking into account regional roadway improvements. No changes are required for the technical study and EIR.
- I-21 The traffic study has been revised (please see page 78 of the traffic study) to state a potential impact to the segment of La Costa Avenue from Vulcan Avenue to Interstate 5. This impact is expected with or without the proposed project. The proposed mitigation adopted by the City of Encinitas (see Response I-9) for improvements to the La Costa Avenue/Vulcan Avenue and La Costa Avenue/North Highway 101 intersection would improve the LOS on this roadway segment to LOS D or better, as shown in Table 18. The intersection improvements would improve the Level of Service because the improved efficiency of moving traffic through the intersections would provide more capacity on the roadway. Additional capacity would reduce delays and congestion experienced by the average driver. Therefore, potential impacts on this segment are considered less than significant. The EIR had identified the segment operating at LOS F in the PM peak hour with or without the proposed project and was shown as deficient in Table 5.6-8. Section 5.6.3.4 of the EIR was revised to clarify this analysis.

Comment Letter I – City of Encinitas

- I-22 The City of Encinitas provided traffic studies or trip generation information for all projects identified in this comment. Cumulative traffic volumes were added to the cumulative project conditions (2010). Chapter 7.17 of the EIR was revised to include the updated information.
- I-23 Where appropriate, changes made to the traffic study were incorporated into the EIR.



SAN DIEGO GAS & ELECTRIC

LAND PLANNING & NATURAL RESOURCES

8315 CENTURY PARK COURT

SAN DIEGO, CALIFORNIA 92123

FAX: 858-637-3700

FACSIMILE TRANSMITTAL SHEET

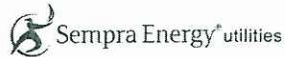
FROM: Shannon Keithley
SDG&E Envtl Services TO: Christer Westman
City of Carlsbad Planning Dept
PHONE NUMBER: (858) 637-3715 PHONE NUMBER:
DATE: 5/18/07 COMPANY: City of Carlsbad
TOTAL NO. OF PAGES INCLUDING COVER: 3 FAX NUMBER: (760) 602-8559
RE: Ponto Beachfront Village Vision Plan DEIR
☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE CONFIRM

Notes / Comments

Comment letter for DEIR.
SCH #2007031141

If you receive this fax in error, please contact sender

Comment Letter J - San Diego Gas & Electric



May 18, 2007

City of Carlsbad Planning Department
Attn: Christer Westman
1635 Faraday Avenue
Carlsbad, California 92008
Via Facsimile (760-602-8559) and U.S. Mail

RE: Notice of Completion of a Draft Environmental Impact Report (DEIR) for the Ponto Beachfront Village Vision Plan, EIR 05-05 (SCH # 2007031141)

Dear Ms. Westman:

J-1

San Diego Gas & Electric (SDG&E[®]) and Southern California Gas Company (SoCalGas[®]) would like to thank the City of Carlsbad for the opportunity to comment on the Draft Environmental Impact Report (DEIR) prepared for the proposed Ponto Beachfront Village Vision Plan. As noted in the DEIR, a high pressure gas line and various electric distribution facilities operated by SoCalGas and SDG&E are located within the area covered by the Ponto Beachfront Village Vision Plan.

J-2

SoCalGas Line 1026 is a high pressure gas transmission main that traverses the Ponto area in a generally north-south direction. Pipeline depth and direction varies along this alignment and must be field verified prior to any project design approvals. Important land use restrictions apply in the vicinity of this gas line including, but not limited to, the following:

- In order to maintain pipeline integrity, no structures are permitted over or in close proximity to this pipeline.
- Underground facilities proposed to cross the pipeline path shall be approved in writing by SDG&E and must maintain a minimum separation of 18 inches from the pipeline at all times.
- No trees or shrubs shall be planted within the pipeline easement; irrigation systems shall not spray directly onto any gas facility, access road or maintenance pad.
- Truck access to and along the pipeline corridor must be maintained at all times.
- Parking stalls may not be positioned over the pipeline.

J-3

Project proponents must submit all grading, improvement and landscaping plans to SDG&E to review for adherence to SDG&E and SoCalGas requirements. SDG&E will issue a "Permission to Grade" letter detailing land use and safety requirements after all conflicts and encroachments have been addressed to the satisfaction of SDG&E.



Comment Letter J – San Diego Gas & Electric

J-1 Comment noted.

J-2 Comment noted. The depth and alignment of Line 1026 would be field verified prior to approval of future development proposals. Grading, improvement, and landscaping plans for future development within the Ponto Area would be provided to SDG&E and SoCalGas for review and comment. All future development would conform to the requirements and land use restrictions of SDG&E and SoCalGas so as to avoid interference with the line or create a safety hazard.

J-3 Comment noted. All future development plans within the Ponto Area would be provided to SDG&E and SoCalGas for review and comment. The appropriate design measures would be applied to proposed development as applicable, consistent with the requirements and restrictions established by SDG&E and SoCalGas.

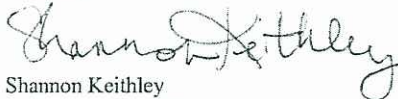
J-4

Since SDG&E is required to provide electricity and natural gas to customers in San Diego County, we advise that future CEQA discussions for proposed projects include the need for any construction, relocation and/or upgrade of on- or off-site electric and natural gas utility infrastructure needed to accommodate the proposed development, including any temporary relocation of facilities. The potential impacts of public facility modifications necessitated by the proposed project should be identified and assessed in a project's DEIR. The DEIR should also clarify that any environmental requirements, permits or other regulatory approvals such as, but not limited to, excavation permits, encroachment permits or water discharge permits required for any electric and natural gas construction, relocation and/or upgrade required to accommodate a proposed project are part of the "whole of the action" for the project and, as such, are the responsibility of the project proponent.

J-5

We encourage the City to contact SDG&E to discuss the planning of the electric and natural gas systems required for proposed projects to ensure that the systems are adequately described in the DEIR. Please contact Mike Williams, SDG&E Sr. Land Management Representative, at (858) 654-1201 or via e-mail at MWilliams@semprautilities.com if you have any questions.

Sincerely,



Shannon Keithley
Sr. Environmental Specialist - Land Planning
San Diego Gas & Electric/Southern California Gas Company

Comment Letter J – San Diego Gas & Electric

J-4

Comment noted. The City will coordinate with SDG&E in the planning of the electric and natural gas systems required for implementation of the Vision Plan to ensure that anticipated infrastructure needs are adequately described in the EIR. In addition, discussion is included in Section 3.0, Project Description, and 5.12, Public Utilities and Services, to identify anticipated infrastructure and permitting needs.

J-5

Comment noted. The City will continue to coordinate with SDG&E as appropriate to ensure that electric and natural gas systems are adequately provided for future development of the Ponto Area.



Leucadia-Encinitas Hwy 101 Main Street Association
Dedicated to the historic preservation and revitalization of Leucadia's North Hwy 101 Corridor

May 29, 2007

To: Carlsbad City Council
1635 Faraday Ave.
Carlsbad, CA 92008
Attn: Christer Westman, Carlsbad Planning Department

Re: Draft EIR on the Ponto Beachfront Village Vision Plan, Case No. 05-05 (SCH #2007031141)

K-1

Leucadia-Encinitas Hwy 101 Mainstreet Association is made up of property owners and businesses on Hwy 101 as well as nearby residents. Our organization has grave concerns relative to traffic impacts on the Leucadia Hwy 101 Northern corridor and La Costa that will result from the planned development of the Ponto Beach Project.

K-2

During the last few months, the intersections of Leucadia Blvd and N. Coast Hwy 101 have been backing up almost to La Costa Avenue. We question whether you are using current traffic counts to estimate your LOS at the various intersections and increases to the adjusted future LOS for the intersections. We believe the development traffic will also have a significant impact the intersections of Vulcan and La Costa Aves.; La Costa Ave. and N. Coast Hwy 101; Leucadia Blvd. and N. Coast Hwy 101; and Marcheta St. and N. Coast Hwy 101.

K-3

During your deliberations concerning the draft EIR on this project, please evaluate the impact on these intersections in the traffic study and include consideration of the following factors:

- The City of Encinitas is beginning the planning for the development of significant infrastructure improvements along North Coast Hwy 101 corridor from La Costa Ave. to Encinitas Blvd. That planning process is likely to include the following traffic calming measures along this coastal corridor to manage the amount of cut through traffic the business district is experiencing during periods when I5 is congested:
 - o Speed reduction measures
 - o Lane reduction(s)

K-4

Unfortunately, we just became aware of the deadline for public input on the Draft EIR on this project this morning. Please place Leucadia-Encinitas Hwy 101 Mainstreet Association on your contact list so that we can be in a position to contribute further input on these important traffic issues for our community. The contact information is as follows:

Leucadia-Encinitas Hwy 101 Mainstreet Association
Attention: Paula Kirpalani, Program Manager
320 N. Coast Hwy 101
Encinitas, CA 92024

Sincerely,

Patricia Bell

Patricia Bell
President, Leucadia-Encinitas Hwy 101 Mainstreet Association

Cc Encinitas City Council
Phil Cotton, Encinitas City Manager
Peter Cota-Robles, Encinitas City Engineer Department
Rob Blough, Encinitas Traffic Engineering Services

320 N. Coast Hwy 101
Encinitas, CA 92024

Phone/Fax 760-436-2320
website: Leucadia 101.com

Comment Letter K – Leucadia-Encinitas Hwy 101 Main Street Association

K-1 Comment noted.

K-2 Traffic count data from July/August 2006 was used in evaluating existing conditions traffic operations. The Traffic Analysis identified significant impacts as the result of project implementation at the intersections of La Costa Avenue/North Coast Highway 101 (2010 and 2030) and at La Costa Avenue/Vulcan Avenue (existing, 2010 and 2030). All other intersections would continue to operate at an acceptable level of service with implementation of the project, and impacts would be less than significant.

Refer also to Response to Comment I-9.

K-3 Comment noted. Refer to Response to Comment I-9.

The Highway 101/La Costa Avenue intersection is within the responsibility and jurisdiction of the City of Encinitas. The City of Encinitas has approved and adopted mitigation measures to improve this intersection with the following projects: The North 101 Corridor Specific Plan (89-254), the Coral Cove Tentative Map (03-090), Shoreline Resort (00-201), and the Encinitas Beach Resort Hotel (89-01/93-172). Future development from the Ponto Vision Plan area will pay a pro-rata contribution to the City of Encinitas for improvements to the La Costa Avenue widening (including future bridge widening) from the Highway 101 intersection through the Vulcan intersection.

K-4 Comment noted.

May 29, 2007

Hand Delivered

Christer Westman
Planning Department
City of Carlsbad
1635 Faraday Avenue
Carlsbad, California 92008

Re: Comments on the Draft EIR ("DEIR") for the Ponto Beachfront Vision Plan

Dear Mr. Westman:

This letter is written on behalf of Bob Lipsey, a resident of the Hanover Beach Colony to the north of the Ponto Beachfront Village Vision Plan area. Mr. Lipsey resides at 7130 Leeward Street, Carlsbad, California 92011. Mr. Lipsey's home, and several homes on each side of his, are in the unique position of directly facing property within the Draft Vision Plan area. Mr. Lipsey's home faces the property that is currently designated for the "Garden Hotel" in the Draft Vision Plan. An application to construct a Hotel on the site is currently on file with the City.¹ This office provided a letter on Mr. Lipsey's behalf during the scoping phase of this DEIR, which is incorporated by reference.

Overall, the DEIR failed to address many of the environmental issues identified in Mr. Lipsey's scoping letter and failed completely to identify and address the significant impacts that would result from construction of the large hotel and convention facility directly across from Mr. Lipsey's home. Detailed comments addressing these and other important issues are set forth below.

¹Copies of some site plan and elevation plan pages that have been submitted as part of the development application are attached to this letter as Exhibit A. There are differences between the conceptual hotel plan identified in the Vision Plan and the pending application. In some instances, their characteristics overlap. In others, they do not. Thus, where appropriate, this letter distinguishes between the two by referring to the conceptual hotel in the Vision Plan as the "Garden Hotel Concept" and the pending development application as the "Garden Hotel Development."

RECEIVED

MAY 29 2007

CITY OF CARLSBAD
PLANNING DEPT

AREAS OF PRACTICE

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ENVIRONMENTAL

REAL ESTATE

PERSONAL INQUIRY

ESTATE PLANNING
AND ADMINISTRATION

CIVIL LITIGATION

BUSINESS

ATTORNEYS

TRACY R. RICHMOND

D. WAYNE BRECHTEL

KEN A. CARRIFF

TERRY M. GIBBS

KRISTEN AMBRIDE

KEITH A. LIRER

D. DWIGHT WORDEN
Of Counsel

W. SCOTT WILLIAMS
Of Counsel

OFFICE

462 STEVENS AVENUE
SUITE 102
SOLANA BEACH
CALIFORNIA
92075

(858) 755-6604 TELEPHONE
(858) 755-5198 FACSIMILE

www.wordenwilliams.com

Comment Letter L - Worden Williams, APC, on behalf of Bob Lipsey

L-1 The City does not concur that the EIR fails to address significant impacts. The Ponto Beachfront Vision Plan EIR is a programmatic document that analyzes the implementation of the proposed Vision Plan. The document is not intended to provide a project-level analysis for specific development proposals within the Vision Plan Area, with exception of the proposed Hilton Beach Resort project. However, if specific project details were available to reflect development conditions at the time the City was directed to prepare an EIR, they were incorporated into the environmental analysis. Detailed responses are provided below for each of the comments raised in the letter.



Christer Westman
May 29, 2007
Page 2

1. The DEIR Failed to Address Several Important Environmental Issues Identified in Mr. Lipsey's Scoping Letter.

L-2

Mr. Lipsey's scoping letter provided a detailed overview of potentially significant impacts that could result from implementation of the Vision Plan and requested that they be addressed in the DEIR. Of particular importance, it identified a number of significant impacts that could result from construction of a Hotel directly across from Mr. Lipsey's front yard. (Exhibit A, p. 1.) Furthermore, because an application for development of the Hotel was on file, detailed information was and remains available for a thorough environmental review of both the Garden Hotel Concept, and the Garden Hotel Development. Mr. Lipsey's scoping letter requested that analysis of both be included in the DEIR. However, the DEIR, while somewhat confusing, appears to only include general information regarding the Garden Hotel Concept, and to analyze on the conceptual hotel, rather than the specific project.

L-3

Mr. Lipsey's scoping letter also requested that the DEIR consider alternative street alignments that would not direct traffic in front of the Hanover residential community. Specifically, Mr. Lipsey requested that Ponto Road not become a major thoroughfare for the entire Vision Plan area. This alternative that could reduce significant land use, noise, traffic and air quality impacts was not considered.

L-4

Mr. Lipsey requested that the DEIR consider alternative methods of accomplishing the Vision Plan goals without placement of a major commercial facility adjacent to the residential community, specifically the Garden Hotel. The DEIR appears to take the position that because zoning provides for a hotel, no alternative uses or designs are feasible. This is improper. The DEIR should consider all options for reducing environmental impacts, including alternative locations for uses currently planned for the northern portion of the Vision Plan site.

2. The DEIR Failed to Include an Adequate Project Description.

L-5

The DEIR must be revised to incorporate the Garden Hotel Development into its Project description, and to analyze the application on a project specific basis. As currently drafted, the DEIR includes a description and analysis of the Garden Hotel Concept from the Draft Vision Plan. There are numerous differences between the Garden Hotel Concept and the pending application. The conceptual design in the Vision Plan has a smaller development footprint than the pending application, does not include the circular entryway connecting to Mr. Lipsey's access road and does not identify a service yard directly across from Mr. Lipsey's home. (To provide a visual comparison, a Vision Plan exhibit showing the Garden Hotel Concept is attached hereto as Exhibit B; plans showing the Garden Hotel Development are attached hereto as Exhibit A.) The DEIR acknowledges that there is a pending development application for the Garden Hotel, but does not include the application as part of the project description, and does

Comment Letter L - Worden Williams, APC, on behalf of Bob Lipsey

L-2

The City does not concur with this comment. The potential adverse effects of a proposed Garden Hotel located in the northern portion of the Vision Plan Area are evaluated in the EIR. As stated in Section 3.4, the EIR analysis considers one development application and three preliminary review applications that had been submitted to the City at the time the City was directed to prepare an EIR for implementation of the Vision Plan. These projects are analyzed within Chapters 5.0 and 7.0 of the EIR for potential impacts relative to their proposed design at the time when preparation of the EIR was requested.

For example, potential traffic impacts (and resulting air quality and noise impacts) generated by these uses, as well as for areas where no development applications currently apply, were determined with consideration for the proposed land use or number of units/rooms proposed with these applications. Visual simulations were also prepared using available development plans and elevations available at the time when these applications were submitted and are included as Figures 5.7-4 to 5.7-8 of the EIR. The biological impact analysis assumes that the entire 50-acre Ponto Area would be developed and thereby evaluates impacts to biological resources within the 50-acre development footprint which includes the Hilton property. All other issue areas (i.e. hazards, agricultural, land use and planning, etc.) were analyzed with consideration for these projects to provide an evaluation of potential future land uses and densities anticipated within the Ponto Area. Therefore, the EIR provides a complete environmental analysis of the proposed 50-acre Ponto Area, and includes an analysis of the four projects on file with the City to the extent possible, based on the information available at the time that the City was directed to prepare the EIR.

L-3

The City does not concur with this comment. The proposed alignment for Ponto Road follows the existing access route for the existing uses within the Ponto Area. It is important that this roadway alignment is maintained so that the existing uses can maintain their access if and when future construction of various developments within the Vision Plan Area occurs over time. There is no evidence that a realignment of Ponto Road would result in fewer land use, traffic, noise, or air quality impacts. Realignment of Ponto Road itself would not reduce the amount of traffic generated by the project.

To reduce potential impacts associated with traffic and noise, Mitigation Measure N-4 has been amended to require a landscaped buffer for areas within the Vision Plan zoned as Commercial Tourist (CT). The mitigation

measure requires that all future development within the area designated for the Garden Hotel (zoned CT) must be buffered from Ponto Road (and landscaped) to distance the use from adjacent residential areas; refer to Section 5.5.4 of the EIR.

In addition, Mitigation Measure N-3 has been amended to restrict entrance driveways to the proposed Garden Hotel from being located across from Hanover Beach Colony. The mitigation measure specifically restricts service entrances or driveways associated with the Garden Hotel area from being located opposite from existing residential areas; refer to Section 5.5.4 of the EIR.

L-4 The City does not concur with this comment. Under Section 15126.6 of the CEQA Guidelines, and EIR must "describe a range of reasonable alternatives to the project, or to the location of the project..." The EIR considers seven different alternatives to the proposed project (including one new alternative added in response to public comments received), which consider future development of the Ponto Area with various land uses, consistent with the underlying General Plan Land Use designation and zoning, and at varying densities. The Increased Townhomes / Visitor Use Alternative (see Figure 6-5) was evaluated and considered a neighborhood park in the northern portion of the Garden Hotel Area. These alternatives were evaluated within the EIR for their ability to achieve the project goals and to reduce potential impacts as compared to the proposed project.

Based on public comments, an additional alternative, the Increased Recreational Amenities/Green Space Alternative has been added, and analysis is included in Section 6.8 of the EIR; refer also to Figure 6-6 for an illustration. This alternative proposes future development similar to that under the Vision Plan, with the exception of a linear public park established along the southern boundary of the Resort Hotel Area, adjacent to the multi-use perimeter trail envisioned by the Plan.

L-5 The City does not concur with this comment. The EIR includes project-specific analysis to the extent possible, of the development proposed on the area designated as Garden Hotel. Refer to Response to Comment L-2 above.

The specifics of the hotel application are described in Section 3.4.1 of the EIR and are considered in the analysis of potential impacts resulting from future development of the Ponto Area. The descriptions of the four projects that had pre-applications or applications on file with the City, at

W

Christer Westman
May 29, 2007
Page 4

"[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829 [173 Cal.Rptr. 602].) The error is prejudicial "if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712 [270 Cal.Rptr. 650].)

In a similar situation, the City of Los Angeles was found in violation of CEQA when it failed to consider foreseeable noise impacts in a Specific Plan EIR (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal. App. 4th 1019; 68 Cal.Rptr. 2d 367). The issue in the *Los Angeles* case was potential noise impacts to a neighboring school. The City asserted that noise impacts would be too speculative to study, and deferred further analysis to a later document. The Court of Appeal rejected the City's position:

We recognize a premature environmental analysis may be meaningless and financially wasteful. (*Laurel Heights Improvement Assn. v. Regents of University of California*, supra, 47 Cal.3d at p. 396.) "On the other hand, the later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project. This problem may be exacerbated where, as here, the public agency prepares and approves the EIR for its own project." (*Id.* at p. 395, italics in original.)

In our view, in preparing an EIR for a specific plan with several phases of development, an environmental impact issue is ripe for consideration when it is "a reasonably foreseeable consequence" of the plan and the agency preparing the plan has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact" of the factor in question. (*Id.* at p. 396; accord, *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App. 4th 182, 199 [55 Cal.Rptr. 2d 625] [no basis "for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause"].)

As the record in this case demonstrates, full build-out under the plan was a sufficiently foreseeable consequence that it formed the basis for all of the analysis in the EIR, including the section on noise. It is only by the City's post hoc

L-6
cont'd

the time when preparation of the EIR was requested, have been revised to clarify the specific location of each application within the Ponto Area; refer to Section 3.4.

With specific consideration for the development application on file for the area designated as Garden Hotel, the figure illustrating the proposed Land Use Themes has been revised in the EIR to reflect the current land ownership of the applicant; refer to Figure 3-5. The area shown as Garden Hotel in Figure 3-5 of the EIR differs slightly from that shown in the Vision Plan (Figure 2.2). The Vision Plan was prepared as a document to guide future development within the Ponto Area; however, the Plan did not consider site-specific development. To allow for a more accurate environmental analysis of future development within the Ponto Area, the EIR considers the actual property boundaries to which the Hilton Carlsbad Beach Resort application applies. Therefore, to accurately consider the land area that would be affected by development of the Garden Hotel use, the boundary of this area has been revised, and is shown in Figure 3-5.

Please refer also to Responses to Comments L-2 and L-3 above.

L-6 The City does not concur with this comment. Refer to Responses to Comments L-2 and L-5 above.

As stated above, the EIR analysis considers the design specifics, to the extent possible, of the one development application and three preliminary review applications that were on file with the City at the time the City was directed to prepare an EIR. Descriptions of these projects are included in Section 3.4 of the EIR.

The EIR is intended to provide adequate analysis to identify potential environmental impacts and to eliminate the requirement for preparation of additional EIRs for future development within the Ponto Area; however, property owners may be required to undertake some site-specific analysis (i.e. geology and soils, SWPPP, noise, etc.) as part of the application process to evaluate existing conditions or specific engineering requirements for future development a site. For example, selection of specific BMPs and related engineering design shall be the responsibility of the property owner and are not addressed at the programmatic level within the EIR. As the four applications have been placed on hold during preparation of the EIR, these projects have been considered in the EIR analysis to the extent possible to identify impacts, but some site-specific consideration will be required to address design issues once development

W

Christer Westman
May 29, 2007
Page 5

reasoning the noise impact on the schools has become too speculative to be considered. Moreover, as pointed out above, sufficiently reliable data was available to permit preparation of a meaningful and accurate report on the impact of noise on residences within the plan. The City has failed to suggest any reason why the same could not be done for the schools.

(*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal. App. 4th at 1027-28; 68 Cal.Rptr. 2d 367) Just as in the *Los Angeles* case, sufficient information and data regarding the Garden Hotel Development is available, and the Garden Hotel Development is a reasonably foreseeable consequence of the Vision Plan. The facts require including the Garden Hotel Development as part of the project description, and requiring a detailed analysis of the Garden Hotel Development's environmental consequences. (See plan excerpts attached to this letter as Exhibit A.) Failure to do so, has resulted in a DEIR that has failed to adequately inform the public and the decision makers about the consequences of approval of the Vision Plan, frustrating the very purposes of CEQA. There are a number of instances in which the impacts to the Garden Hotel Concept have been improperly minimized because the DEIR has limited itself to analysis of the Garden Hotel Concept in the Vision Plan, even though the larger Garden Hotel Development is poised for almost immediate approval once the Vision Plan is adopted.

3. The DEIR Failed to Identify Significant Land Use Compatibility Impacts.

The thresholds of significance set forth in the DEIR provide that "A significant land use impact would occur if the proposed project would: . create incompatibilities of land use on-site or with adjacent uses . . ." (DEIR p. 5.11-9.) Consistency of proposed uses, especially proposed tourist oriented uses such as the Garden Hotel, has been made a priority within the City of Carlsbad. The General Plan Land Use Element states that "Travel/recreation commercial uses should be compatible with and designed to protect surrounding properties. (Land Use Element Page 19, emphasis added.) The General Plan also has the following policies and objectives:

Ensure that the review of future projects places a high priority on the compatibility of adjacent land uses along the interface of different density categories. Special attention should be given to buffering and transition methods, especially when reviewing properties where different residential densities or land uses are involved. (Implementing Policy C.3, Land Use Element, page 28.)

Preserve the neighborhood atmosphere and identity of existing residential areas. (Residential Objective B.2; Land Use Element, p. 31.)

L-6
cont'd

L-7

W

Christer Westman
May 29, 2007
Page 6

L-7
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Despite these statements in the General Plan, the Vision Plan proposes uses that will be incompatible with adjacent residential uses. The most obvious and fundamental significant land use impact of the Draft Vision Plan is the incompatibility of the proposed Garden Hotel Concept and parking facility. The Garden Hotel Concept is proposed to be a combination hotel and convention facility. It is designed to literally merge and become part of the Hanover residential community, sharing a common access route and staring directly into the living room windows of several homes. The character of the residential community would be forever altered and changed as a result of the Garden Hotel Concept, which is oriented in a manner that directs impacts toward the residential community.

The Garden Hotel Concept is to be implemented by the Garden Hotel Development, which will be more imposing than the Garden Hotel Concept. The Garden Hotel Development is to be a 24,000 square foot facility on approximately seven acres. It would have 215 rooms and 12,820 square feet of meeting and event space. A 5,030 square foot restaurant and a 1,990 square foot café/bar and spa will also be provided. The parking garage to serve this Hotel will be three stories. (DEIR p. 5.5-7.) The Hotel would, on its own, add 2,150 vehicle trips. (DEIR p. 5.6-20.)

Significant land use compatibility impacts include, among others, a 24-hour entry way and a service yard directly across from homes. (Exhibit A p. 1.) The vehicular and pedestrian traffic, light and noise would be continuous and completely alter the quiet residential characteristic of the neighborhood. The residential homes adjacent to the Hotel will become *de facto* parts of a hotel resort enterprise whether they like it or not. If the residents wish to be part of a resort experience, they will be in luck. However, for those who wish to go home and get away from the commercial resort facility, there will be no escape.

L-8

Mr. Lipsey does not assert that the hotel enterprise would be a bad or evil enterprise. He enjoys staying at a nice hotel as well as others on vacation. However, no matter how enjoyable a vacation experience might be, everyone reaches a point at which they just wish to return to the quiet of their own home. That will not be possible for those, like Mr. Lipsey, with homes that are less than 100 feet from the entrance to a hotel convention facility. Mr. Lipsey asks that the DEIR candidly acknowledge that placement of the Garden Hotel as proposed would completely alter the character of his currently, quiet residential neighborhood. This is a potentially significant impact that was not acknowledged in the DEIR, and as a result, was not addressed with feasible mitigation measures and alternatives, as discussed in more detail below.

L-9

The DEIR states that "Implementation of the Ponto Vision Plan would not have a harmful effect on off-site land uses." (DEIR p. 5.11-10.) As support, the DEIR states that the Vision Plan area "is intended for the uses proposed" and that the uses are "allowed under the existing zoning, and therefore, do not represent a conflict with the type of development anticipated for the area."

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plans are refined and reviewed by the City, following approval of the EIR. Refer also to Response to Comment A-18.

In addition, the application for development of the Garden Hotel would be subject to the City's application and review process, following approval of the EIR. The City would review the application for consistency with all applicable policies and requirements, similar to that of any other land development application submitted on land outside of the Vision Plan Area. Revisions would be made as necessary until the time when the City determines that the proposed development meets all applicable City development standards and requirements. Should a proposed development exceed the limits of what was analyzed in the EIR, supplemental environmental documentation may be required.

For the reasons described above, environmental analysis for development of the Ponto Area is not being deferred to a later EIR document, and is instead analyzed to the extent possible in the program-level EIR.

L-7

The City does not concur that the proposed project would result in an incompatible use. Please see expanded discussion in Section 5.11.3.2. The additional discussion describes additional measures that have been added to the project, such as requirements to reduce noise impacts by requiring the project entrance to be located away from existing residences. Additionally, the City has added a requirement to ensure an increased setback is required along Ponto Road. The added EIR discussion details design elements of the proposed hotel such as limiting the building to one story on the north and such that the building structure is not a greater height than the existing two-story houses in the Hanover Beach Colony.

As land within the Ponto Area is privately owned, the individual land owners have the right to develop their properties as allowed by the City under the existing zoning and General Plan land use, with or without the Vision Plan. As the uses proposed to date (garden hotel, timeshare development, etc.) are consistent with what would be allowed under the existing zoning and land use designations, the type of development proposed is consistent with what has long been intended by the City. The proposed uses would also be consistent with the City's Local Coastal Program approved for the area which proposes visitor-serving uses, mixed-use development fronting on Carlsbad Boulevard, and hotel and timeshare uses. The Garden Hotel is not intended to "merge and become a part of the Hanover community," but instead represents an allowed use.

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L-9
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The DEIR's reliance on compatibility with zoning is improper. Compliance with a plan or standard, in and of itself, does not guarantee the absence of significant impacts. The City must look to whether there is evidence of unique impacts notwithstanding compliance with the zoning ordinance. (See *City of Antioch v. City Council* (1986) 187 Cal.App. 3d, 1325, 232 Cal.Rptr. 507; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App. 3d 692, 270 Cal.Rptr. 650; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App. 4th 98, 126 Cal.Rptr. 2d 441) Further, just because a use is allowed, does not mean significant impacts would not occur if it is improperly sited and designed. In this case, the City of Carlsbad's CT zone does not require any setback, and has no limit on lot coverage. (Summary of Zoning Requirements attached as Exhibit C.) Thus, zoning will not ensure compatibility with adjacent land uses. A Hotel Project that would be compatible with the community and did not result in significant impacts could be designed. However, that is not what is currently proposed in the Vision Plan, nor is it what is on the table given the Garden Hotel Development.

L-10

The DEIR states that development "would provide a transition from the existing single-family development to multi-family mixed use, commercial and recreational uses." (DEIR p. 5.11-10.) This statement is unsupported by substantial evidence in the record and, in fact, is contradicted by the evidence. There is no transition between the Garden Hotel and the Hanover community. As discussed above, the Garden Hotel and the residential community are being joined at the hip!

L-11

The DEIR states that "The Vision Plan includes design guidelines to ensure that development of the site would not conflict with surrounding land uses." (P. 5.11.10.) The DEIR goes on to state that "design features such as landscape buffering and screening, underground parking, and building orientation to allow for continued views" would be incorporated into future development projects to maintain the character of the area and protect the existing visual environment . . ." (*Id.*) This statement is erroneous and unsupported by substantial evidence. Building orientation of the Garden Hotel Concept in the Vision Plan does not allow for continued views. The Garden Hotel Concept is designed and oriented in a manner that will completely block ocean views from the north and east. For a substantial number of homes in the Hanover community, including Mr. Lipsey's home, the only remaining view will be of the Garden Hotel. Furthermore, plans for the Garden Hotel Development are already established and do not include the design features identified in the DEIR. The Garden Hotel Development is not designed with a landscape buffer between it and the Hanover community, and the Vision Plan does not contain any design guidelines to address impacts to surrounding uses. The Draft Vision Plan calls for landscaping of parking areas to screen the impacts from public streets, but does not mention screening impacts to adjacent residential uses. (Draft Vision Plan, Ch. 3, p. 12.) Finally, underground parking is not provided. Parking for the Garden Hotel Development is to be provided by way of a three-story parking structure.

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Refer to Sections 5.0 and 7.0 of the EIR for an evaluation of potential impacts and mitigation proposed to reduce such impacts to less than significant.

Mitigation measures have been amended to further reduce potential conflicts between operation of the Garden Hotel use and the residential area to the north. Refer to Response to Comment L-3.

Refer to Response to Comment L-5 regarding the revised boundary of the area planned for the Garden Hotel.

L-8

The City does not concur that the proposed project would result in significant land use compatibility impacts. Refer to Response to Comment L-7 above. Refer also to Response to Comment L-3 for mitigation amended to reduce potential impacts relative to the hotel entrance and traffic circulation.

L-9

Comment noted. Chapter 5.11.3.2 of the EIR has been revised to amplify the discussion of offsite land uses. The EIR contains changes and modifications to limit offsite impacts associated with the proposed hotel, including a requirement for a setback. The Vision Plan recognizes the importance of the Ponto Area, both historically and visually in terms of the beachfront location, the location along a scenic corridor, and as the southern entry point into the City of Carlsbad. Without the Vision Plan, or a similar plan to guide future development of the area, the individually owned properties could be developed as allowed under the existing zoning and General Plan land use designations. Although implementation of the Vision Plan would change the Ponto Area from (generally) undeveloped land to developed land, the Vision Plan provides a guide to allow for future development to occur.

In addition, if the Ponto Area were allowed to develop under the existing zoning and land use designations, these properties could theoretically be developed at a higher density than what is proposed with the Plan. This is not to assume that development of future properties within the Ponto Area would not develop at a lesser density or not at all. Instead, the EIR provides an analysis of impacts that could potentially result from future development and offers mitigation to reduce such impacts to less than significant to protect the character and the resources of the Ponto Area in the short-term and for years to come. The EIR includes analysis of potential impacts resulting from development of the Ponto Area and, based on findings identified in the technical reports, provides mitigation to

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L-12

The DEIR goes on to state that "City policies and other regulations pertaining to noise, hours of operation, building height, setbacks and lighting, among other areas, . . . would further reduce potential conflicts between the proposed uses and surrounding neighborhoods. (DEIR p. 5.11-10.) This conclusory statement is also unsupported by evidence in the record. There are no regulations or policies in existence that will alter the basic incompatibilities of the Garden Hotel proposal. It will be a 24 four hour operation that will have unavoidable noise, light and aesthetic impacts as discussed in more detail below. As stated above, the CT zone does not have any setback requirements.

L-13

The DEIR states that the "The Vision Plan would result in a lower number of units than that anticipated for the area, thereby reducing projected growth and the overall demand for public facilities and services. . . . potential impacts as a result of land use impacts are considered less than significant." (DEIR p. 5.11-12.) The DEIR's statement is not supported by substantial evidence and legally incorrect. The DEIR cannot reach a finding of insignificance by comparing what could be done with existing plans in an area to that which is proposed. A comparison of what could be with what is proposed is a classic misapplication of the CEQA process. (*Environmental Planning and Information Council v. County of El Dorado* (1982) 131 Cal. 3d 350, 182 Cal.Rptr. 317; *Wal-mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App. 4th 273; 41 Cal.Rptr. 3d)

L-14

Further, the DEIR's conclusion that the Vision Plan would reduce the "overall demand for public facilities and services" is not supported by any substantial evidence. Common sense dictates that improvement of the Vision Plan area will create an ability for greater numbers of the public to reach local beaches, thereby creating a significant demand for public services. There is no evidence to support a finding that use and demand of public facilities and services will be reduced by implementation of the Vision Plan. In fact, one of the stated benefits of the Vision Plan will be to provide parking and access for those who wish to visit the local beaches. (DEIR p. 3-4; 5.11-16.)

L-15

The bottom line is that the Garden Hotel Concept and parking structure proposed at the north end are absolutely incompatible with the adjacent residential land uses. Furthermore, the Garden Hotel Development would increase the severity of the impacts of the Garden Hotel Concept beyond what is currently represented in the DEIR. These are significant impacts that must be acknowledged and properly addressed in the DEIR by way of feasible mitigation measures and alternatives.

L-16

4. The DEIR Failed To Adequately Address Traffic Impacts.

A traffic impact is considered significant if it will "cause an increase in traffic which is substantial in relation to the existing traffic load." (DEIR p. 5.6-5.) The increased traffic along Ponto Road,

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reduce potential impacts to less than significant. Refer to Sections 5.0 and 7.0 of the EIR for discussion.

Refer also to Response to Comment L-3 for mitigation added to reduce potential impacts relative to the hotel entrance and traffic circulation.

L-10

The application submitted for development of the Garden Hotel area provides a design that locates one-story structures in the northern portion of the site, at a similar height as a typical two-story residential unit. Taller two- and three-story structures would be located behind the two-story structures in the southern end of the building, thereby stepping development back away from the roadway and the existing residential uses.

Refer also to Response to Comment L-3 above, which describes amended mitigation measures to further reduce potential conflicts between the existing residential uses and the Garden Hotel use. Mitigation is also provided in Sections 5.0 and 7.0 of the EIR, relative to such issues as noise and traffic, to reduce potential impacts resulting from construction or operation of a Garden Hotel to less than significant.

L-11

Refer to Responses to Comments L-3 and L-10 above. Refer also to Figure 5.7-4 for existing views from the Hanover residential area. Existing views across the site to the ocean are generally limited due to topography of the Ponto Area. A landscaped buffer would be provided to reduce views into the site from offsite areas, including Ponto Road and the existing residential neighborhood.

The application submitted for the Garden Hotel area includes some underground parking; however, three levels of parking would be provided above grade. Parking for the Garden Hotel or any other use within the Ponto Area would be subject to applicable zoning and Coastal Zone height restrictions.

L-12

Refer to Response to Comment L-8 above.

Although the CT zone does not require a setback, language has been added to Section 5.5.4 of the EIR to require that development be set back from the roadway to distance the Garden Hotel from existing residential uses, and to require that the entrance not be located directly across from the existing residential neighborhood.

Combined with standard City ordinances and regulations relative to building height, lighting, etc., the mitigation measures proposed in the EIR

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adjacent to the Hanover community, will be more than substantial in relation to existing traffic. Traffic volumes on Ponto Road which is adjacent to and is the access for the Hanover residential community, would increase dramatically. An analysis done by Professional Transportation Planner, Edwin D. Studor, PTP, concluded that traffic volumes at the intersection of Carlsbad Boulevard and Ponto Drive would realize increases of 598% to 622% during peak hour periods. Ponto Drive, itself, would realize a six-fold increase in volume. (Studor comments, dated May 23, 2007 attached hereto as Exhibit C.) The sheer volume of traffic will, on its own, create significant air, noise, and community character impacts. Further, a large number of potentially significant traffic impacts were not properly considered by the DEIR.

The DEIR failed to provide any information regarding existing traffic conditions or impacts at the proposed entrance to the Garden Hotel. (DEIR p. 5.6-1 through 5.6-34.) The Garden Hotel entrance at the proposed location will focus more traffic and congestion in the area. The DEIR projects a total of 15,161 vehicle trips per day for the entire Draft Vision Plan area. (DEIR p. 5.6-6.) The Garden Hotel, will generate 2,150 ADT. (DEIR p. 5.6-20). Adding over 2,000 cars adjacent to a single-family residential neighborhood represents a huge increase in traffic over existing conditions. Given that there is only one entrance to the Garden Hotel, that means all 2,000 plus cars will be passing right in front of our client's house, substantially increasing the congestion in this area.

L-17

The DEIR provided a peak a.m. and p.m. analysis for the 215 room Hotel, but that analysis is not very representative of the way traffic for a hotel and conference facility occurs. The traffic may peak at odd times of day depending on the scheduled activities. If the Hotel is hosting a luncheon event, or a wedding, most of the traffic will occur within a small window of time right before and after the event. There is no analysis of whether there is enough stacking room for these cars, or if the number of cars will interfere with residents of Hanover Beach Colony as they attempt to exit their community. The only exit for the Hanover residents is via Ponto Drive. Will the traffic on this road, especially at the end of an event when everyone is leaving the Hotel and parking garage, become so congested that these residents cannot exit? Will there be a light at the intersection of Ponto Drive and the entrance to the Garden Hotel? Will the exit of the Hotel be a right turn only? Is there enough stacking room for the cars wanting to make a left turn onto Carlsbad Boulevard, or will they back up all the way past the entrance? It is not clear if the analysis has considered the worst case scenario of a major event occurring during a major beach traffic day, such as July 4th. How will traffic flow at the entrance to the Garden Hotel during such a worst case? The DEIR failed to analyze the traffic impacts of the proposed Garden Hotel entrance, and therefore improperly failed to propose any mitigation.

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would reduce potential impacts resulting from future development of the Garden Hotel area. All development within the Ponto Area would be required to conform to such ordinances and requirements established by the City. All future development would be subject to the application review process to ensure consistency with such requirements to reduce potential adverse conflicts with existing land uses.

L-13

Comment noted. Section 5.11 of the EIR and other sections have been revised as appropriate. The EIR analysis recognizes that implementation of the Ponto Vision Plan would change the Ponto Area from (largely) undeveloped to developed land, and potential impacts are evaluated with this consideration. Refer also to Response to Comment L-2.

As described in Section 5.11 of the EIR, future development of the Ponto Area would be consistent with the requirements of the General Plan, LFMPs, and other applicable plans and policies. Therefore, no significant impacts relative to conflicts with such regulations would occur. As all future development would be required to demonstrate consistency with the applicable LFMPs, growth would be consistent with that anticipated by the City, and the provision of adequate facilities and services would be required. As such, a significant impact resulting from conflict with land use plans or policies would not occur, and impacts would be less than significant.

L-14

Comment noted. Discussion stating that the Vision Plan would reduce overall demand for public facilities and services compared to that which could potentially be developed under the existing General Plan and zoning designations has been revised as applicable in the EIR. However, future development of the Ponto Area would not result in a significant impact to utilities or public services, as all future development would be required to demonstrate consistency with the LFMPs for Zones 9 and 22 as part of the application and review process to ensure that facilities and services are adequate.

The Vision Plan envisions improvements to Carlsbad Boulevard and construction of a pedestrian underpass to enhance access to the State Beach; however, these improvements are not anticipated to create "a significant demand for public services." An assumption that visitation to the area or to the State Beach would increase substantially as the result of such improvements would be speculative. Refer also to Response to Comment Letter D with regards to the State Department of Parks and Recreation.



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5. **The DEIR Failed To Adequately Address Noise Impacts.**

L-18

The DEIR acknowledges that residential neighborhoods are considered sensitive receptors with regard to noise impacts. (DEIR p. 5.5-11.) The DEIR indicates that a substantial periodic increase in the ambient noise levels in the Project vicinity above existing levels without the Project is considered significant. (DEIR p. 5.5-6.) At all times of the day, there will be more people and activity around the entrance to the Garden Hotel. Patrons will arrive, leave and mill about as they walk to their car in the proposed parking garage, increasing the ambient noise level on a periodic basis. It will also increase the night-time noise in the area, as patrons leave the Hotel after a wedding or other event. The DEIR indicates that conversations in parking areas may be an annoyance to adjacent sensitive receptors, such as single-family homes. (DEIR p. 5.5-11.) While the noise may not exceed the Noise Ordinance, the noise will create a night-time nuisance, and could interfere with sleep due to its intermittent quality. This creates a significant land use incompatibility. The DEIR failed to identify the potentially significant noise impacts of the proposed Garden Hotel entrance and its parking garage. (DEIR p. 5.5-11.)

L-19

The plans for the Garden Hotel Development, attached to this comment letter, show deliveries and services to occur near the entrance of the Hotel, which will also result in more noise for the adjacent residential uses. Delivery vehicles will have to reverse, with the concurrent beeping that must occur for safety reasons, at any and all times of day. The DEIR indicates that delivery vehicles can create noise levels of 75dBA at a distance of 50 feet and that noise generated by loading docks can exceed the City's CNEL noise standard for residential receptors. (DEIR p. 5.5-11.) However, the DEIR failed to identify the potential for significant noise impacts and land use incompatibilities of the Garden Hotel Development entrance.

L-20

The DEIR identifies one method of mitigating noise impacts as "the establishment of truck routes to avoid truck travel through residential neighborhoods." (DEIR p. 5.5-12.) The Garden Hotel Development proposal fails to implement this mitigation measure. Instead, it has been designed to channel trucks directly in front of the Hanover community to reach the Hotel service yard, which is right across from the entry to Hanover.

L-21

The DEIR identifies another noise mitigation measure as "orienting buildings to shield outdoor spaces from a noise source." (DEIR p. 5.5-13.) Again, the Garden Hotel Development design fails to carry out this mitigation measure, instead, the Hotel entrance and service yard are oriented to direct noises towards residential, outdoor spaces, particularly sensitive receptors.

L-22

The DEIR identifies another noise mitigation measure as "orienting non-noise generating uses toward existing adjacent residential uses." (DEIR p. 5.5-13.) Again, this mitigation measure has not been implemented because the Garden Hotel Development design orients the 24-hour hotel convention center entrance and service yard directly across from adjacent residential uses.

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L-15

All future development within the Ponto Area will be subject to the height restrictions of the underlying zone and per the Coastal Zone height limitations. In addition, the proposed hotel use is consistent with the land use intended for the property under the existing zoning and General Plan land use designations. Development would also be required to be consistent with the scenic corridor design guidelines.

Refer also to Responses to Comments L-2, L-4, L-5 and L-8 above.

L-16

Traffic generation calculated by E. Studor noted. Mitigation Measures N-3 and N-4 have been amended to relocate access into the Garden Hotel area away from the existing residential neighborhood (and Leeward Street), as well as to provide a landscaped buffer between the neighborhood and the hotel use. Roadway alignment for Ponto Road would be designed based on City of Carlsbad engineering standards with respect to intersection spacing, operation, and optimal circulation to minimize congestion.

The Traffic Analysis for implementation of the Vision Plan was prepared with guidance from the City of Carlsbad, and with consideration for public comments received. The analysis considers the land uses proposed within the Vision Plan and the resulting traffic generated, and identifies potentially significant impacts to area roadways and intersections, based on the established City of Carlsbad and SANTEC/ITE traffic study guidelines. The traffic analysis determined that the LOS for Ponto Road and for the intersection of Ponto Road and Carlsbad Boulevard, with and without the Vision Plan, is within acceptable limits. Therefore no significant impacts relative to Ponto Road were identified with implementation of the Vision Plan.

L-17

Refer to Response to Comment L-3 above.

Mitigation has been revised to state that the main entrance (and service entrances) to the hotel use would be required to be located further to the south along Ponto Road to reduce potential impacts resulting from traffic traveling to and from the hotel. In addition, mitigation has been revised to require a buffer along the perimeter of the Garden Hotel area to distance the use from existing residential uses.

A traffic signal is not proposed at the intersection of Ponto Road and the entrance to the Garden Hotel. The number of trips generated by the hotel use would not warrant a traffic signal, as visitor trips would generally be distributed over a number of hours, and would not occur all at once. In the



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L-23

The DEIR concludes that "since future development land uses are not anticipated to require significant truck deliveries, impacts are anticipated to be less than significant." (DEIR p. 5.5-11.) This statement is not supported by substantial evidence and is contradicted by the Garden Hotel Development plans, which place the service yard for the large Hotel convention facility directly across from the Hanover community. There is no evidence in the record to support a finding that there will not be "significant truck deliveries" to this resort, which includes restaurant and conference facilities. The existing evidence supports a contrary conclusion. The fundamental presumption of the Vision Plan and Garden Hotel Development is that the Hotel will be successful. A successful Hotel that hosts large meetings, conventions and celebrations, along with accommodations for 215 families, is going to generate a significant demand for truck deliveries.

L-24

While the DEIR identifies numerous mitigation measures for protecting proposed uses from mobile noise (DEIR p. 5.5-12 through 5.5-13), the only mitigation proposed for long term stationary noise deals with electrical and mechanical equipment. (DEIR 5.5-13 through 5.5-14.) No mitigation has been proposed in the DEIR to address the potential noise impacts from the Garden Hotel entrance and parking garage.

L-25

Furthermore, the design requirements in the Draft Vision Plan do not address the potential for noise impacts to adjacent uses. The only design requirement dealing with noise has to do with landscaping parking areas to minimize noise to pedestrians. (Draft Vision Plan, Ch. 3, p 11.) There are no design criteria to protect adjacent residential uses in the Draft Vision Plan at all.

6. The DEIR Failed To Adequately Address Light Impacts.

The DEIR states that "all future lighting would be shielded and directed toward downward to prevent spillover into adjacent properties." (DEIR p. 5.7-5.)

L-26

The DEIR fails to acknowledge the lighting that the continuous flow of vehicles will direct towards the residential community. The DEIR acknowledges that operation of the resort and commercial facilities could result in light and glare impacts. (DEIR p. 5.7-5.) The DEIR also indicates that a significant impact will occur if there is a "new source of substantial light or glare which would adversely affect daytime or nighttime views in the area" or "substantially degrade the existing visual character or quality of the surroundings." (DEIR p. 5.7-6 through 5.5-7.) The DEIR fails to identify the significance of this impact with regard to the Garden Hotel and its entrance. The DEIR concludes that lighting and glare impacts will not be significant because "all lighting within the Ponto Area would be subject to City standards for structural, street and recreational lighting to ensure that lighting impacts do not occur." (DEIR p. 5.7-5.) However, the City standards will not address the impact of the design of the Garden Hotel Development, which will result in vehicle lights being directed towards the adjacent residences. The Garden

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case of a special event, traffic traveling to the hotel may cause brief delays; however, as these events would be single instances and would not represent a long-term condition, impacts would not be considered significant. In addition, LOS for this roadway and for the intersection of Ponto Road and Carlsbad Boulevard, with and without the Vision Plan (for the existing, year 2010 and year 2030 scenarios) is within acceptable limits.

L-18

Refer to Response to Comment L-3 above for revisions to Mitigation Measures N-3 and N-4 to further reduce potential impacts relative to the hotel entrance and noise generated by operation of the hotel use.

Noise impacts resulting from mobile sources (delivery trucks, etc.) would be reduced through mitigation measures proposed in Section 5.5, Noise, of the EIR. These measures include such design techniques as orienting buildings away from areas where mobile noise would occur, architectural design, and shielding and may be integrated at a site-specific level as part of the application review process. The routine delivery of goods and services would be consistent with noise restrictions established by the City of Carlsbad. Although noise generated by loading docks may temporarily exceed the City's maximum noise level requirement of 60 dBA CNEL for residential and/or other sensitive uses, such impacts would be intermittent and would generally occur during typical workday hours.

Mitigation measures are also given in Section 5.5.4 of the EIR to reduce potential noise impacts resulting from stationary sources (i.e. HVAC, pumps, etc.) to less than significant. Site-specific analyses that cannot be performed at this time (such as design features to reduce noise levels, etc.) due to lack of a final design, would be performed during the application review process to ensure that appropriate measures are implemented to reduce potential noise impacts from future operation to less than significant.

L-19

Comment noted. Refer to Responses to Comments L-3 and L-18.

L-20

Comment noted. Refer to Response to Comment L-3.

L-21

Comment noted. Refer to Responses to Comments L-3 and L-18.

L-22

Comment noted. Refer to Responses to Comments L-3 and L-18.

L-23

Comment noted. Mitigation measures have been amended to restrict the main entrance and service driveways for the Garden Hotel use from being located across from existing residential uses. Refer to Response to

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Hotel Development Plans have a circular driveway that will result in vehicle headlights shining into the windows of the homes across the street as patrons leave the Hotel entrance at night. This will create a significant glare impact for the existing homes, potentially interfering with sleep and quiet enjoyment of their property. There are no design standards in the DEIR, Vision Plan or City Regulations that would mitigate this significant light impact.

7. The DEIR Failed to Identify the Significant Visual Impacts.

L-27

The DEIR incorrectly concludes that there are no significant aesthetic impacts, either in the short or long term, as a result of development consistent with the Draft Vision Plan. (DEIR p. 5.7-14.) As stated above, the Draft Vision Plan requires the entrance to the Garden Hotel to be oriented to the street, across from the existing residences. According to the Draft Vision Plan for the Garden Hotel Concept, it should be a three-story Hotel, with the second and third stories stepped back. (Vision Plan, Ch. 2, p. 11.) The Draft Vision Plan concept has the structure very close to the property line, with barely any setback. According to the Draft Vision Plan, this will create an "architectural edge." With all due respect, stating that a project will provide an architectural edge is not evidence that the structure will not be a significant impact to the character and views within the local area. Plans submitted for the Garden Hotel Development indicate that the Hotel height will be a minimum of approximately 25 feet, ranging up to 35 feet tall. Thus, whether one-story or three-stories, the Garden Hotel Development will provide a complete wall blocking off southerly and western views of the ocean and horizon from a substantial portion of the surrounding community.

L-28

Figure 5.7 in the DEIR acknowledges that there are views from the existing Hanover community residences toward the ocean. However, the DEIR failed to provide a visual assessment of the impact that the proposed Vision Plan will have on these important scenic views. Rather than conduct a before and after visual assessment looking to the west and the ocean from existing residences, the DEIR provides an assessment looking to the south, which is not where the significant views are. (Viewpoint A on Figure 5.7-3.) Figure 5.7-4 in the DEIR shows the before and after view from this viewpoint. Having the structure in the location as depicted in the Draft Ponto Vision Plan has the potential to substantially degrade the existing visual character or quality of the site and its surroundings, which is one of the criteria for significance. (DEIR p. 5.7-5.) The DEIR must be revised to include an adequate assessment of this aesthetic impact. Analysis should include, at minimum, a visual assessment of the Garden Hotel Concept and Garden Hotel Development on the Hanover community.

L-29

The DEIR concludes that the architectural design of the Garden Hotel directly across from the Hanover community will create an "attractive view." (DEIR p.5.7-7.) There is no evidence in the Draft Vision Plan or in the DEIR that having the main entrance and Hotel facades oriented toward the street will create an "attractive view." There are no design or landscaping

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Comment L-3 above. In addition, the noise analysis prepared for the Vision Plan did not identify significant noise impacts relative to truck deliveries; however, with the amended Mitigation Measures N-3 and N-4, potential noise generated by such activities would be further reduced through buffering, as well as by restricting the location of service driveways within the CT zone which would distance such activities from the existing residential uses.

Refer also to Section 5.5.3.3, Loading Docks & Slowly Moving Trucks (Deliveries), of the EIR.

The economic success of the hotel is not an environmental issue and is therefore not considered in the EIR analysis. As noted in Comment L-2, the EIR evaluates development of the area proposed for the Garden Hotel relative to the development application currently on file with the City of Carlsbad.

L-24 Refer to Response to Comment L-3 above.

Potential impacts resulting from the parking garage are addressed in Section 5.5.3.3. No significant noise impacts are anticipated and therefore, no mitigation is required.

L-25 Site-specific analysis will be required at the time future development occurs to ensure that noise levels generated by the proposed use do not exceed the City's maximum noise level standard of 60 dBA at the property line. If such levels occur, site-specific design measures such as noise walls will be required to reduce potential noise impacts to less than significant. This is a standard, accepted approach for providing mitigation to reduce potential noise levels generated by a land use.

Refer also to Responses to Comments L-3 and L-18, above.

L-26 Comment noted. Refer to Response to Comment L-3 above.

As part of the application review process required for all future development within the Ponto Area, landowners would be required to prepare a Lighting Plan consistent with, but not limited to, City requirements for light shielding, limitations on decorative lighting, night sky compliance, and reduced height standards in parking areas, as applicable. The Lighting Plan shall be subject to review and approval by the Planning Director to ensure that lighting proposed is consistent with all applicable requirements to reduce potential impacts resulting from outdoor lighting.



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L-29
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requirements to specify how this view is to be made "attractive." There is no analysis of what this view will look like in the DEIR. The closest viewpoint in the DEIR is Viewpoint A, which does not include a view of the entrance to the Hotel, but is instead a view further to the west. No analysis of this entrance is provided in the DEIR. Given the lack of specificity, there is still the potential for the Garden Hotel to degrade the visual quality of the area, especially from existing residences, absent specific standards regarding setbacks, landscaping and architectural design. The DEIR indicates that the design guidelines in the Vision Plan will mitigate any design impacts (DEIR p. 5.7-10), but the design requirements do not include providing setbacks from existing residential uses, nor do they consider any specific requirements regarding how the view from the adjacent residential uses is supposed to look.

L-30

In addition, the DEIR improperly failed to include an aesthetic analysis based upon the Garden Hotel Development. While the DEIR acknowledges the existence of the application, it states that "visual simulations were not intended to portray an exact image of how these potential developments would appear, but rather to give an illustrative view in order to evaluate how potential development would reflect the overall theme and design guidelines established in the Ponto Vision Plan." (DEIR p. 5.7-6.) The visual simulations themselves, contain a disclaimer that they "are not meant as a precise representation of structures or landscaping proposed for the Ponto site." (See, e.g., Figure 5.7-5.) The failure to include visual representations based upon the actual application submitted is improper. The visual simulations set forth in the DEIR not representative of what is proposed for development adjacent to the Hanover community. The Garden Hotel Development is not speculative. It is a concrete proposal with sufficient detail to allow accurate, real representations of the aesthetic impact it would have on the local community. An adequate EIR must include analysis of all reasonably foreseeable impacts of a proposed action. There is no credible case to be made that the Garden Hotel Development is not a reasonably foreseeable consequence of the Ponto Vision Plan. Accordingly, it must be incorporated into the DEIR's analysis, including visual representations that accurately reflect what the Hanover residents can expect to occur if the Ponto Vision Plan is approved.

L-31

The DEIR failed to analyze the impacts of the Draft Vision Plan's proposed parking garage. (Vision Plan, Ch. 2, p. 11.) This parking garage is proposed directly to the south of existing residences and could substantially degrade the existing visual character, unless it is appropriately designed, and is proposed directly adjacent to existing single family residences. How high would the garage be compared to the existing residences? Will it create a shadow impact on adjacent residences?

L-32

Furthermore, the Garden Hotel Development proposes a three-story parking garage, which is a full story higher than that called for in the Draft Vision Plan. The DEIR failed to analyze the visual impacts that could result in the additional story of the parking garage. No before/after simulations of the parking garage were made. Will a three-story parking garage create a

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L-27 Comment noted. Refer to Response to Comment L-3 above, which would restrict the location of driveways and provide a landscaped buffer to distance the Garden Hotel use from existing residential uses.

The Vision Plan does not require that the entrance to the Garden Hotel be located across from the existing residential neighborhood. The Vision Plan provides a "vision" for future development of the Ponto Area and does not include site-specific design measures; rather, design details for future development of individual ownerships within the Ponto Area would be provided during the City's application and review process.

All development within the Ponto Area would be consistent with height restrictions for the applicable zone, as well as height restrictions for the Coastal Zone. As stated previously, with the development application that was submitted to the City for the Garden Hotel area, two-story structures are proposed closer to the roadway which would reflect the height of a typical two-story residence. Three-story structures would be stepped back away from the roadway to reduce the visual effect from the roadway or from adjacent uses.

L-28 Refer to Response to Comment L-3 above.

Figure 5.7.3 provides a before and after view across the Ponto Area looking to the south to provide a visual illustration of potential views from the Hanover Beach development. The visual simulation was prepared utilizing the development plan and architectural elevations that were previously submitted to the City for the Garden Hotel area and therefore, provides an illustration of what future development may potentially look like; however, these plans represent the design at the time the project was submitted to the City and development was placed on hold while the EIR was prepared. Therefore, a visual assessment of the Garden Hotel Concept, based on the development application submitted to date, is provided in the EIR; however, design details may be revised as part of the application review process, if the Vision Plan and EIR are approved and development applications within the Ponto Area are actively reviewed by the City once again.

Refer also to Response to Comment L-27 above. Placement of all future development proposed on the site would be consistent with density and lot coverage requirements as designated by the applicable zone, and would be subject to the City's application review process to ensure consistency with such requirements.



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L-32
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shadow on the adjacent residences? Will it be appropriately landscaped and buffered from the existing residences, not just the public street? The DEIR is void of analysis on these important issues.

L-33

The DEIR discloses that construction of Beach Way and Ponto Road will result in an elevation of "the roadbed 8 to 10 feet above the existing site elevation . . ." (DEIR p. 5.7-13.) The potential visual impact of this roadbed elevation should be analyzed in the DEIR.

8. The DEIR Failed to Address Parking Impacts Associated With Off-Site Users.

L-34

The DEIR failed to address the traffic and parking impacts that would be generated by recreational users of the local beach that will take advantage of the parking structure adjacent to the Hanover community. In fact, the DEIR acknowledges that proposed development of the Ponto area would provide "additional parking for the State Beach and an underpass under Carlsbad Boulevard to improve access to the State Beach and enhance recreational uses." (DEIR p. 5.11-16.) Thus, the traffic generated by the Project will be significantly higher than what would normally be associated with specified uses. The DEIR must be amended to incorporate traffic generation and parking demands that will result from increased use by State Beach patrons.

9. The DEIR Alternative Analysis Is Flawed.

L-35

The DEIR failed to include an alternative design for the Garden Hotel that could drastically reduce significant land use impacts, i.e., an alternative that oriented the entrance and commercial aspects of the Hotel to the south. In all letters and testimony presented by Mr. Lipsey and other Hanover residents, a key concern has been the compatibility of the proposed Garden Hotel/convention center directly across from the residential community. It is a potentially significant impact that must be acknowledged. An obvious and common-sense alternative would be to redesign the Hotel so that its entrance was not facing the Hanover community and its commercial service yard and other noisy attributes were not directly across from the residential community. This could be accomplished by redesigning the Hotel with the entrance to the south and orientating commercial service yards and other impactful facilities away from the Hanover community. A buffer could be provided by way of open space and landscaping, and placement of quieter uses, such as hotel rooms directly across from the Hanover community. This would not eliminate all adverse impacts of the Hotel but would go a long way towards removing the significant land use incompatibility impacts of greatest concern to Mr. Lipsey and Hanover residents.

L-36

The DEIR failed to consider a traffic circulation alternative that removed substantial traffic increases away from the Hanover community. As currently proposed in the Vision Plan and

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L-29

Refer to Responses to Comments L-3 and L-28 above.

All future development within the Ponto Area would be required to prepare a Landscape Plan as part of the application process, subject to review by the City for consistency with landscaping requirements. A landscaped buffer would also be required to visually screen land uses within the CT zone from adjacent uses.

L-30

Comment noted. Refer to Response to Comment L-28 above.

The visual simulation and EIR analysis for the Garden Hotel was prepared based upon the design plans and architectural elevations that were on file with the City at the time preparation of the EIR was requested. The visual simulation is therefore representative of what is proposed for development adjacent to the Hanover community, based on the best information available at this time, and represents the most current architectural design proposed for the Garden Hotel site. The development proposed for the Garden Hotel site is described in Section 3.0 of the EIR and is fully evaluated within the EIR, along with the three other land development projects on file with the City. The EIR includes analysis of reasonably foreseeable impacts relative to development applications submitted to date for the Ponto Area and is therefore not speculative in nature with regard to these projects.

L-31

Refer to Response to Comment L-27 regarding the maximum height of the parking garage. Potential impacts relative to the parking garage proposed with the current application on file with the City for the Garden Hotel site have been assessed as part of the EIR analysis.

The parking garage (as currently proposed by the development plans on file with the City) is approximately 135 feet to the south of the closest residence of the Hanover Beach community. The maximum height of the parking garage would be 35 feet above grade, consistent with City requirements and height restrictions within the Coastal Zone. Therefore, shadows created by the parking structure, even at the lowest point that the sun would reach in the southern sky annually, would not reach the Hanover development. Therefore, the parking garage, in the location currently proposed with the development application on file for the Garden Hotel, would not result in shadow impacts on adjacent residences.

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the Garden Hotel Development application, the current access for the Hanover community would become a primary traffic arterial for all facilities within the Vision Plan area. The Hotel, alone, would generate over 2,000 vehicle trips per day. An alternative that reoriented access for Vision Plan facilities away from the Hanover community should be included in the DEIR. This alternative could simply isolate the Hanover access from Vision Plan facilities access or, at minimum, create alternative routes that encouraged vehicles to access the facilities from the south, rather than the northerly access road directly across from the Hanover community.

L-37

Our previous comments also suggested that the EIR consider switching the land uses around in the Vision Plan, and are pleased to see that various land use alternative scenarios have been presented in the DEIR. It appears, however, that these alternatives were not necessarily designed in order to reduce potential impacts, nor were they designed in good faith. Each alternative, without an explanation as to why, appears to have been designed with undesirable features so that it could easily be rejected. Conclusory statements are provided to reject these alternatives, without any evidentiary support.

For example, the increased residential alternative would not establish a mixed use district, would not include enhancements associated with the State Beach, nor would it include enhancements to the major entryway into the City at Carlsbad Boulevard and Batiquitos Lagoon. This alternative was rejected. (DEIR p. 6-13.) There is no justification as to why this alternative would not include the enhancements to the major entry way to the City.

L-38

The increased residential/open space alternative, while reducing impacts to the Ponto area, does not include a plan to guide development, and would therefore not establish a southern coastal gateway to the city or provide site design guidelines. (DEIR p. 6-16.) It is not clear why this alternative would not include the Vision Plan itself to guide development. In addition, according to the DEIR, this alternative would also not provide landscape architecture that celebrates the historic past and horticultural heritage of the City. (DEIR p. 6-17.) We note, however, that although the Draft Vision Plan has a goal of providing a landscape that celebrates the historic past and horticultural heritage (Draft Vision Plan, Ch. 1, p. 1), there are no landscaping or design guidelines that actually implement this goal. (Draft Vision Plan, Ch. 3.) Section 3.7 discusses landscaping specifically, and not once does it mention the need to "celebrate the historic past and horticultural heritage of the City." Accordingly, rejecting alternatives for not meeting this goal is disingenuous at best.

L-39

The Increased Townhomes/Visitor Use alternative was found to be less desirable, because apparently it again does not include an overall plan to guide development and a cohesive mix of uses that are economically viable would not be achieved. (DEIR p. 6-23.) These are conclusory statements with no evidentiary support. If the Ponto Vision Plan were changed to provide for these uses, then wouldn't the Vision Plan "guide" development? Furthermore, there

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L-32

The Vision Plan provides a guide for future development of the Ponto Area, and does not propose site-specific design details. Specific project design details would be provided by the applicant and reviewed by the City for consistency with applicable polices and regulations regarding land development.

All future development within the Ponto Area would be consistent with height restrictions of the applicable underlying zone and the Coastal Zone. The EIR provides a visual analysis of the area proposed for the Garden Hotel, with consideration for the application on file with the City, at the time preparation of an EIR was requested. Therefore, a three-story hotel was considered in the visual analysis as part of the EIR.

Refer to Response to Comment L-31 above regarding potential shadow effects from the proposed parking garage. Refer also to Response to Comment L-3 regarding the requirement for a landscaped buffer to distance the Garden Hotel use from existing residential uses.

L-33

The EIR acknowledges the road improvements that will be required to Ponto Road for future development of the Ponto Area. The potential visual impacts are considered in the EIR analysis and are discussed in Section 5.7.3.2 of the document. The EIR states that long-term impacts to views across the site as the result of these improvements are not anticipated, as properties in the areas surrounding this portion of the site are generally higher in elevation than the area where the improvements would occur.

L-34

The Ponto Vision Plan envisions parking improvements along Carlsbad Boulevard, as well as construction of a pedestrian underpass; however, to assume that the "traffic generated by the Project would be significantly higher than what would normally be associated with specified uses" as a result if these improvements would be speculative. Although an increase in the number of visitors to the area may occur with development of the Ponto Area over future years, it is difficult to determine whether the improvements envisioned with the Vision Plan would significantly increase visitation (and to what extent) to the State Beach, located across Carlsbad Boulevard.

The traffic analysis considers the potential impacts resulting from future development of the Ponto Area, with consideration for the land uses envisioned in the Vision Plan, as well as the four land development applications on file with the City at the time preparation of an EIR was requested; refer to Section 3.4 of the EIR. Mitigation measures are

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is no evidence that the uses are not economically viable. There is also no evidence that this alternative would not provide as cohesive an architectural theme, or provide landscape that would celebrate the historic past and horticultural heritage of the city as much as the existing Draft Vision Plan provides these things. There is no reason why this alternative could not provide a Southern Coastal Gateway to the City. (DEIR p. 6-24.) The DEIR states that "The removal of the mixed use component would remove uses that would appeal to visitors." (DEIR p. 6-24.) However, the description of the alternative states "This alternative would allow for a mixture of commercial uses including retail shops and restaurants" and that "the project site would be largely developed with a mixture of uses, similar to the proposed project." (DEIR p. 6-20.) Accordingly, there is no evidence that the alternative does not contain mixed uses that would appeal to visitors.

L-40

We note that the Increased Townhomes/Visitor Use alternative proposes a park near the existing homes instead of the Garden Hotel. (DEIR Figure 6-5.) The DEIR explains that the park would "buffer the hotel use from the adjacent residential neighborhoods." (DEIR p. 6-20.) While we cannot comment on all of the proposed elements of this alternative, we applaud the DEIR for proposing a buffer and a transition between the existing single family residences in the Hanover Beach Colony, and the more intense commercial, travel and recreational uses proposed as part of the vision plan. An alternative with a park in the location of the proposed Garden Hotel would avoid the significant impacts of the currently proposed Ponto Beachfront Vision Plan. Having a park at the Garden Hotel does not require the elimination of the "mixed use center." The park at the Garden Hotel location does not require that townhomes be constructed in the rest of the Vision Plan area. We urge the DEIR to develop an alternative that includes a park instead of the Garden Hotel, while maintaining all of the other land uses of the Draft Vision Plan. We believe such an alternative would be environmentally superior to the proposed Project. In the alternative, the Draft Vision Plan should be modified to have an alternative entranceway for the Garden Hotel in order to mitigate the numerous impacts that will occur if a hotel is developed as presently envisioned in the Draft Vision Plan.

L-41

The DEIR should consider a residential alternative along the lines of a "courtyard apartment complex." Page 3.3 of the DEIR states that the Garden Hotel site could be developed as "a courtyard apartment complex." This residential option should be considered in the DEIR.

Conclusion.

L-42

Mr. Lipsey appreciates the opportunity to comment on the DEIR. He asks that the DEIR be revised to candidly acknowledge the potentially significant impacts that could result from the proposed Hotel and parking garage proposed for the north end of the Vision Plan. The DEIR must include adequate disclosure of the potential impacts and identify feasible mitigation measures and alternatives that could reduce those impacts to a level below significance. Mr.

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proposed to reduce potential impacts resulting from future development of the Ponto Area; refer to Section 5.6.4 of the EIR.

L-35

Comment noted. Refer to Response to Comment L-3. Mitigation has been revised to further reduce potential conflicts between the Garden Hotel use and the residential neighborhood; refer to Section 5.5.4 of the EIR.

Mitigation regarding potential noise impacts was previously included in the EIR to reduce potential noise generated by construction and operation of the Garden Hotel use.

L-36

Comment noted. Refer to Responses to Comments L-3 and L-17.

Mitigation is proposed to reduce potential impacts relative to traffic generated by development of the Ponto Area. No significant impacts were identified relative to Ponto Road. Project alternatives are evaluated as to whether they reduce potentially significant impacts as compared to the Proposed Project; refer to Table 6-1 of the EIR. Therefore, as there were no significant impacts identified for Ponto Road, an alternative that restricted traffic traveling to and from the hotel from using Ponto Road would not reduce a significant impact as compared to the Proposed Project. Traffic generated by the hotel use would be distributed along Ponto Road, with a portion of trips traveling to/from Carlsbad Boulevard, and a portion traveling to/from Avenida Encinas.

L-37

Comment noted.

Section 15126.6 of the CEQA Guidelines requires that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." The EIR considers seven alternatives to the Proposed Project, each with a variation of land uses and densities. These alternatives were designed with respect for public comments received, as well as to provide consideration for a range of development possibilities for the Ponto Area. Several of the alternatives proposed were specifically prepared with consideration for surrounding land uses (i.e. Increased Townhomes/Visitor Use Alternative and the Increased Residential Use/Open Space Alternative which both consider creation of a public park near the existing residential neighborhood or the Batiquitos Lagoon.

The alternatives considered were evaluated for their potential to achieve the project goals. Each alternative must reduce at least one significant



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cont'd

Lipsey has made several suggestions that could help alleviate the significant impacts of the proposed Hotel and parking garage Project and asks that they be included as part of the updated DEIR.

Very truly yours,

WORDEN WILLIAMS, APC

D. Wayne Brechtel
dwb@wordenwilliams.com

DWB:lg

Enclosures

cc: Client

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impact as compared to the Proposed Project; refer to Table 6-1 of the EIR. Through the EIR analysis, alternatives were either rejected or not rejected from further consideration, based on these two conditions. This is a standard process for evaluation of alternatives proposed within an EIR. Not all of the alternatives proposed can achieve all of the project goals, nor will all of the alternatives reduce all of the impacts as compared to the Proposed Project. Therefore, the process undertaken in the EIR was consistent with the requirements of CEQA, and allowed for evaluation of seven credible alternatives for their potential to meet the project goals and to reduce potential impacts as compared to the Proposed Project. Language has been added to the EIR as applicable to provide clarification as to why a particular alternative was rejected.

L-38 Comment noted. The goals for future development of the Ponto Area are given on Page 1-1 of the Vision Plan and in Section 3.2.8 of the EIR. The goals specifically state that one of the goals for development of the Ponto Area is to "Require landscape architecture that celebrates the historic past and horticultural heritage of the City." There is no Section 3.7 in the EIR.

Guidelines for landscaping and design are included in Chapter 3, Design Guidelines, of the Vision Plan. All future development within the Ponto Area would be subject to the City's application review process to ensure consistency with the Vision Plan, Local Coastal Program, Scenic Corridor Design Guidelines, as well as other requirements of the applicable underlying zoning. In addition, landowners would be required to prepare a Landscape Plan, consistent with the requirements of the City's Landscape Design Manual and the intent of the Vision Plan.

Language has been added to Section 6.0 of the EIR as applicable to provide clarification as to why a particular alternative was rejected.

L-39 Language has been added to Section 6.0 of the EIR as applicable to provide clarification as to why a particular alternative was rejected.

The statement that development under this alternative would not be economically viable has been removed from the text; refer to Section 6.7.3 of the EIR.

Language has been added to state that this alternative assumes that the Ponto Area would not be developed under the Vision Plan. To allow for an increased number of residential uses to be developed, this alternative removes the mixed-use and mixed-use/live-work uses proposed with the Vision Plan. However, this alternative does provide for a commercial use

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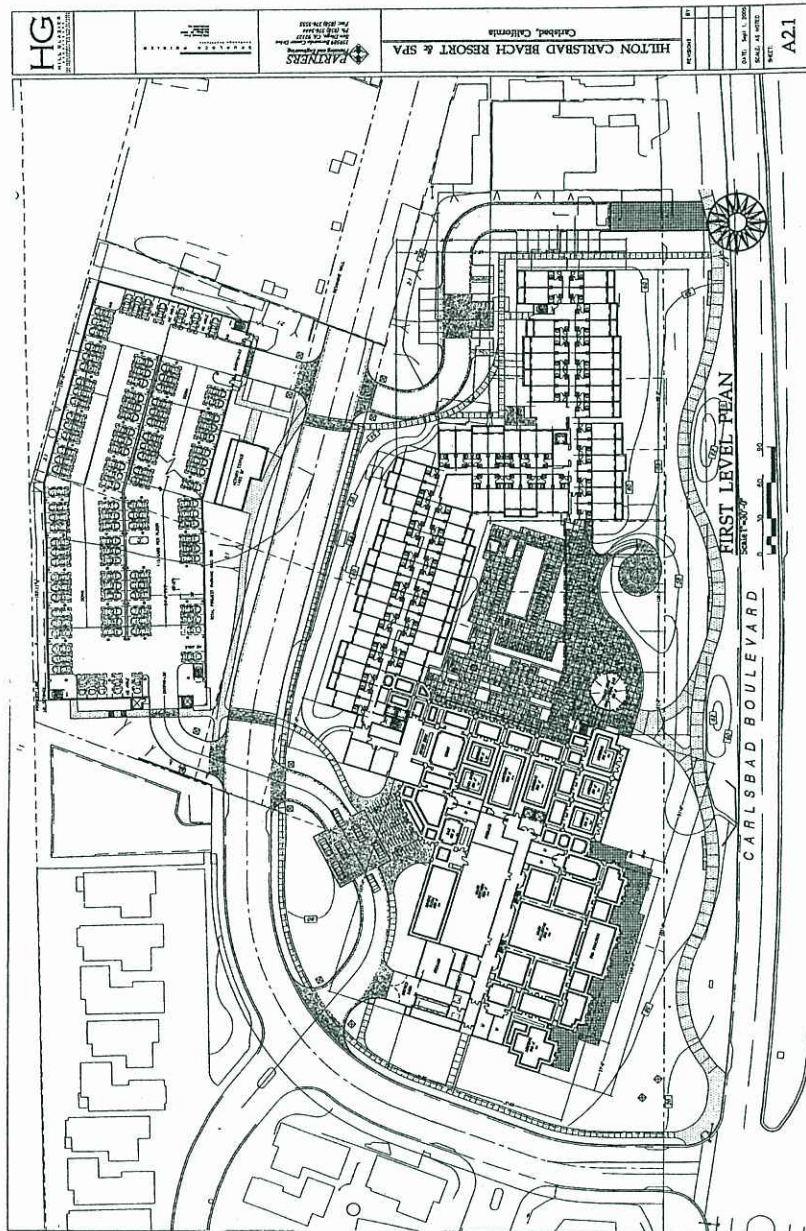


EXHIBIT A

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area that would allow for retail shops and restaurants. This alternative assumes that the Vision Plan would not be implemented, thereby allowing for an increase in residential uses proposed (which is not consistent with the Coastal Commission's intent for lands along the coastline). Without the Vision Plan to provide an overall development guide for the Ponto Area, consistency with several project goals would not be required or achieved. Such goals include the creation of a Southern Gateway to the City, and use of landscape architecture that celebrates the historic past of the City.

L-40 Comment noted. As lands within the Ponto Area are privately owned, and not City property, the option for the City to purchase the northernmost parcel of the Ponto Area for use as a park would be an issue for consideration by the City Council, not as a matter of the CEQA process or identification of environmental impacts that may occur with future development of the Ponto Area.

Refer also to Response to Comment L-3 regarding revisions to the mitigation measures proposed to reduce potential conflicts between the proposed hotel use and the existing residential uses.

L-41 Consistent with Section 15126.6 of CEQA, the EIR evaluates a range of alternatives to development proposed in the Vision Plan. Each alternative is evaluated for potential impacts in the same issue areas as the proposed project (i.e. noise, air quality, etc.), as well as for the potential to reduce impacts as compared to the proposed project.

The EIR considers seven alternatives to the Proposed Project. Several of these alternatives include a mixture of residential uses (at varying densities) within the areas designated by the Vision Plan as live-work/mixed-use, and/or remove or reduce the area proposed for hotel uses (or residential apartments). On Page 3.3 of the EIR, the text states that the area designated for the Village Hotel, not the Garden Hotel, could be developed as a courtyard apartment complex. Several of the alternatives (i.e. Increased Townhomes/Visitor Use Alternative, Increased Residential Use Alternative, etc.) propose townhomes for the area designated for a Village Hotel within the Vision Plan. The townhomes would be similar in nature to a courtyard apartment complex, and as such, would have similar impacts. Therefore, an additional alternative to consider a courtyard apartment complex was not prepared.

Refer to Response to Comment L-3.

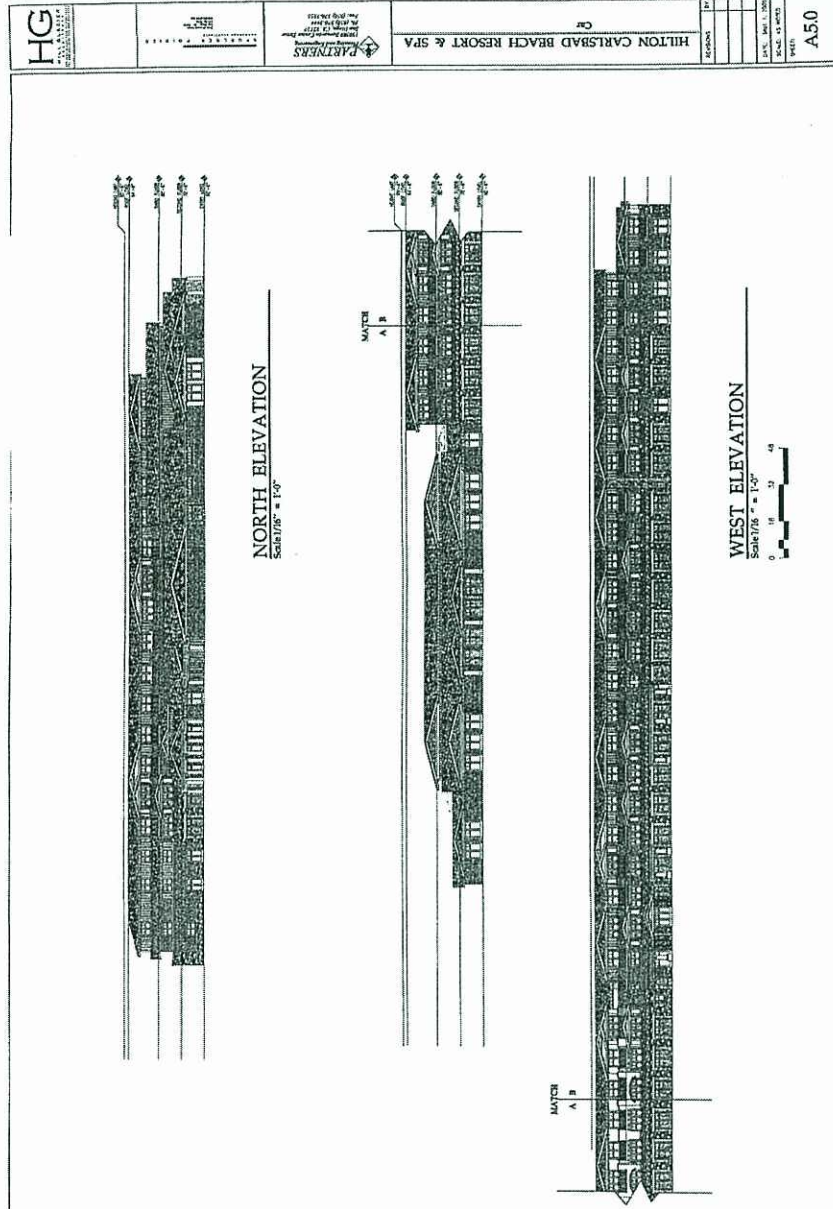


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Comment Letter L - Worden Williams, APC, on behalf of Bob Lipsey

L-42 Comment noted.

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
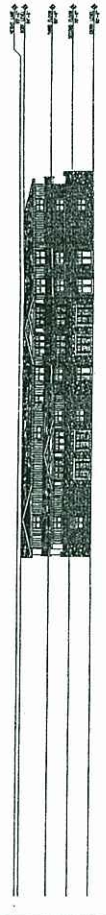
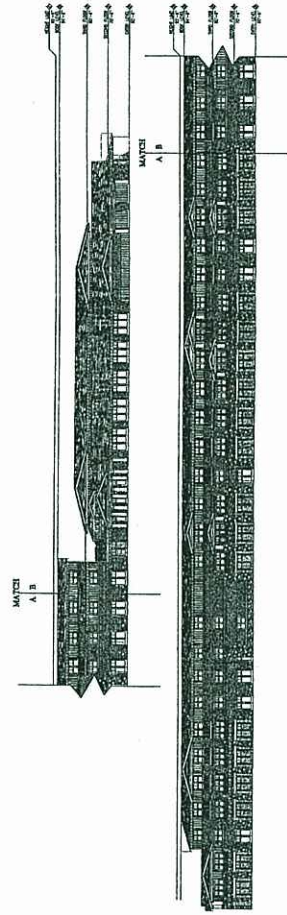
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EXHIBIT A

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SOUTH ELEVATION
Scale 1/8" = 1'-0"



EAST ELEVATION
Scale 1/8" = 1'-0"
0 10 20



Garden Hotel

Taking advantage of views toward the ocean and beautiful landscaping and plazas, the three-story Garden Hotel provides both hotel lodging and a small conference facility.

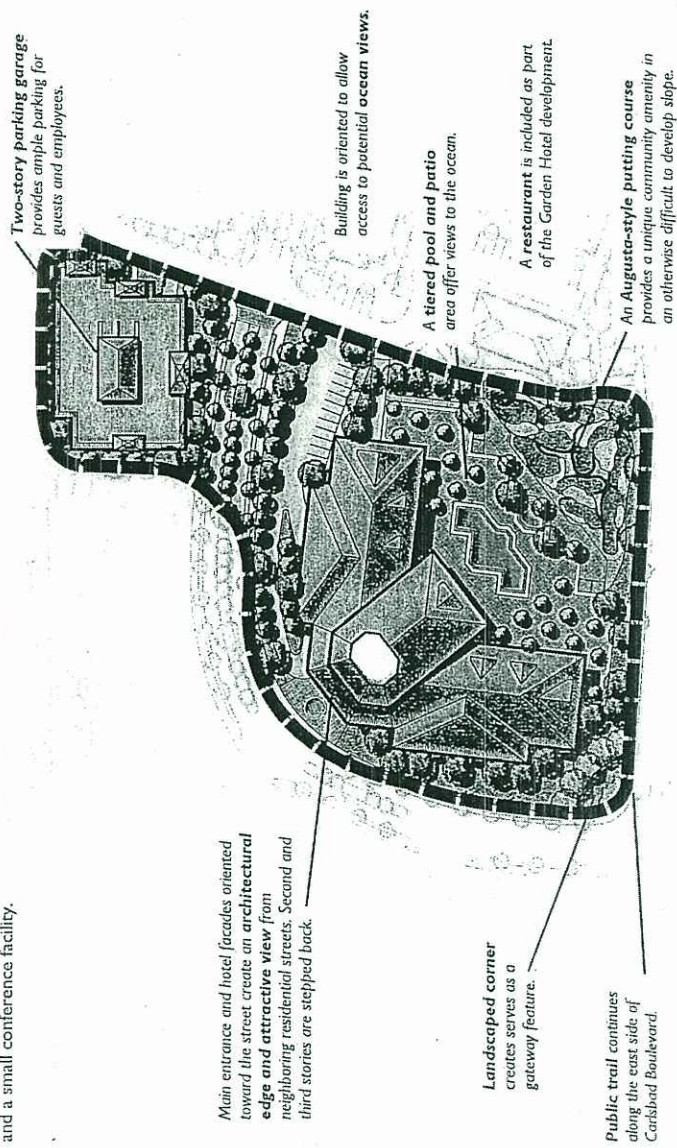


EXHIBIT B



SECTION 4.4 PROJECT IMPLEMENTATION

To implement individual projects, developers must:

- ❖ Obtain needed permits from City of Carlsbad for specific project implementation.
- ❖ Areas of private development that are under jurisdiction of the U.S. Army Corps of Engineers and California Department of Fish and Game will need to obtain permits from those agencies for identified jurisdictional impacts, including:
 - 401 Water Quality Certification
 - 404 Clean Water Act Permit
 - 1602 Streambed Alteration Agreement (combines the previous 1601 and 1603)
- ❖ Land in the City-owned right-of-way that is under jurisdiction of the above resource agencies, becomes vacated, and is used for private development will need to obtain the appropriate permits listed above in conjunction with future private development.
- ❖ Process projects through environmental review.

The following pages list the Vision Plan's major character areas, the parcels included in each area, and a summary list of anticipated actions required to permit the land uses. The summary list is not intended to be inclusive of all actions that will be needed to proceed with development. Developers are advised to meet with appropriate City departments in advance of initiating project design to determine which type of permits will be needed for a specific project.

EXHIBIT D

GARDEN HOTEL

Property APNs: 214-590-04; 214-160-19; 214-160-24

REGULATORY INFORMATION

Existing GP Land Use:

TR/C Travel / Recreation Commercial / Commercial (APN 214-590-04)
RM/H/T-R Residential Medium High/Travel / Recreation Commercial
(214-160-19; 214-160-24)

Existing Zoning: CT Commercial Tourist

Other Applicable Regulatory Documents:

Poinsettia Shores Specific Plan (214-590-04)
South Carlsbad Coastal Redevelopment Area Plan (214-160-19, -24)
Local Coastal Program

DEVELOPER ACTIONS TO IMPLEMENT PONTO BEACHFRONT VILLAGE VISION PLAN

- ❖ Redevelopment Permit
- ❖ Coastal Development Permit
- ❖ Environmental Review
- ❖ Improvements Agreement with City



CITY OF CARLSBAD SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS							
		LOT (minimums)			SETBACKS or YARDS (minimums)**			BUILDING (maximums)	
		Area	Width	Depth	Front	Side	Rear	Height	Coverage
AGRICULTURE	E-A Exclusive Agriculture, Chapter 21.07	10 acres (a)	300 ft	(b)	40 ft	15 ft	25 ft	30 ft and 2 stories if roof pitch is at least 3:12 or 24 ft and 2 stories if roof pitch is less than 3:12	40% (c)
	R-A Residential Agriculture, Chapter 21.08	7,500 sf (a)	60 to 80 ft (d)	(b)	20 ft (e)	Interior: 10% of lot width (e), (f) Street: 10 ft		30 ft and 2 stories if roof pitch is at least 3:12 or 24 ft and 2 stories if roof pitch is less than 3:12	40% (c)
	R-E Rural Residential Estate, Chapter 21.09	1-4 acres (b)	100 ft	(b)	70 ft (e)	Interior: 15 ft Street: 50 ft (e)		35 ft	20% (b)
	R-1 Single-family Residential, Chapter 21.10	Single-family homes, agriculture, and in limited cases, duplexes			(b)	20 ft (e)	Interior: 10% of lot width (e), (f) Street: 10 ft	Equal to twice the required side setback	30 ft and 2 stories if roof pitch is at least 3:12 or 24 ft and 2 stories if roof pitch is less than 3:12
	R-2 Two-family Residential, Chapter 21.12	7,500 sf (a)	60 to 80 ft (d)	(b)					50%
	R-3 Multiple-family Residential, Chapter 21.16		60 ft	(b)	20 ft (e)	Interior: 10% of lot width (f) Street: 10 ft		35 ft	60%
	RD-M Residential Density-Multiple, Chapter 21.24	6,000 or 10,000 sf (b)	60 ft	(b)	20 ft (e)	Interior: 5 ft (e) Street: 10 ft (e)	10 ft	35 ft	50 or 60% (b)
RESIDENTIAL									

revised 1/28/03

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EXHIBIT C

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CITY OF CARLSBAD
SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS							BUILDING (maximums)		
		LOT (minimums)			SETBACKS or YARDS (minimums)**			Height			Coverage
		Area	Width	Depth	Front	Side	Rear				
RESIDENTIAL	R-P Residential Professional, Chapter 21.19	7,500 sf	60 to 60 ft (d)	(b)	20 ft (e)	Interior: 10% of lot width (f) Street: 10 ft	20% of lot width, but need not exceed 20 ft	35 ft	60%	75% (f)	
	R-T Residential Tourist, Chapter 21.20	7,500 sf (f)	60 or 75 ft (f)	(b)	20 ft	Interior: 5 ft one side, 10 ft other Street: 10 ft (e)	20 ft				
	R-W Residential Waterway, Chapter 21.22	5,000 sf	40 ft	(b)	10 ft	Interior: 5 ft Street: 8 ft	8 ft				75%
	RMHP Residential Mobile Home Park, Chapter 21.37	3,000 or 3,500 sf per mobile home site (f)	50 ft (f)	(b)	5 ft	Interior: 3 ft Street: 5 ft (f)	3 ft (f)				75% (f)
COMMERCIAL	C-1 Neighborhood Commercial, Chapter 21.26	None(k)	None	(b)	None (f)	None (f)	None (m)	35 ft/3 levels (n)	None	35 ft/3 levels (n)	
	C-2 General Commercial, Chapter 21.28	None(k)	None	(b)	None (f)	None	None (m)	35 ft/3 levels (n)	None		
	O Office, Chapter 21.27	10,000 sf	75	(b)	(e)	(e)	(e)	35 ft/3 levels (n)	(e)		

Comment Letter L - Worden Williams, APC, on behalf of Bob Lipsey



CITY OF CARLSBAD
SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS							
		LOT (minimums)			SETBACKS or YARDS (minimums)**			BUILDING (maximums)	
		Area	Width	Depth	Front	Side	Rear	Height	Coverage
COMMERCIAL	C-T Commercial-Tourist, Chapter 21.29	None(k)	None	(b)	None	None (m)	None (m)	35 M/3 levels (n)	None
	C-M Heavy Commercial-Limited Industrial, Chapter 21.30	None(k)	None	(b)	None (f)	None (f)	None (m)	35 M/3 levels (n)	None
INDUSTRIAL	M Industrial, Chapter 21.32	None(k)	None	(b)	None (f)	None (f)	None (m)	35 M/3 levels (m)	None
	P-M Planned Industrial, Chapter 21.34	None(k)	None	(b)	(e)	Interior: 10 ft Street: (e)	20 ft	35 M/3 levels (n)	60%
UTILITY / TRANSPORTATION	P-U Public Utility, Chapter 21.36	7,500 sf	As established by precise development plan (see Zoning Ordinance Chapter 21.39).						50%
	T-C Transportation Corridor, Chapter 21.100		None (p)			None		None	

Comment Letter L - Worden Williams, APC, on behalf of Bob Lipsey



CITY OF CARLSBAD
SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS						
		LOT (minimums)		SETBACKS or YARDS (minimums)**			BUILDING (maximums)	
		Area	Width	Depth	Front	Side	Rear	Coverage
C-F Community Facilities, Chapter 21.25	Community uses, such as churches and day care centers, all by site development plan or conditional use permit.	(4)		As required by a master plan or residential specific plan.				35 ft and 3 levels if roof pitch is at least 3:12 or 24 ft and 2 levels if roof pitch is less than 3:12
L-C Limited Control, Chapter 21.39	Interim zone applied to future planning areas. L-C Zone permitted uses are the same as E-A Zone permitted uses.	None(k)		None		None		None
P-C Planned Community, Chapter 21.38	The P-C zone is applied to large tracts of land to ensure their comprehensive and orderly planning and development. Permitted uses and development standards in the P-C zone are established by master plan.							
D-S Open Space, Chapter 21.33	Public parks and recreation uses, trails, agriculture		None (p)			None		25 ft (n)
V-R Village Redevelopment, Chapter 21.35	The V-R zone is applied to the downtown village area. The permitted land uses, development standards, and procedures of the V-R zone are contained in the Carlsbad Village Area Redevelopment Plan and the Carlsbad Village Redevelopment Master Plan and Design Manual.							None
OTHER								

Comment Letter L - Worden Williams, APC, on behalf of Bob
Lipsey



CITY OF CARLSBAD
SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS							
		LOT (minimums)		SETBACKS at YARDS (minimums)**				BUILDING (maximums)	
		Area	Width	Depth	Front	Side	Rear	Height	Coverage
OVERLAY ZONES	BAO Beach Area Overlay, Chapter 21.02		Per underlying zone					30 ft and 2 stories if roof pitch is at least 3:12 or 24 ft and 2 stories if roof pitch is less than 3:12	Per underlying zone
	CVI-SO Commercial Visitor Serving Overlay, Chapter 21.208		Per underlying zone					Per underlying zone	Per underlying zone
	F-P Flooding Overlay, Chapter 21.110		Per underlying zone					Per underlying zone	Per underlying zone
	H-O Hospital Overlay, Chapter 21.21	25,000 sf	100 ft	(b)		(e)		35 ft (n)	(e)

Comment Letter L - Worden Williams, APC, on behalf of Bob Lipsey



CITY OF CARLSBAD
SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS						
		LOT (minimums)		SETBACKS or YARDS (minimums)**			BUILDING (maximums)	
		Area	Width	Depth	Front	Side	Rear	Coverage
OVERLAY ZONES	Q Qualified Development Overlay, Chapter 21.06	Per underlying zone (f)		Per underlying zone (f)			Per underlying zone (f)	
	S-P Scenic Preservation Overlay, Chapter 21.40	Per underlying zone (f)		Per underlying zone (f)			Per underlying zone (f)	

Comment Letter L - Worden Williams, APC, on behalf of Bob Lipsey



CITY OF CARLSBAD SUMMARY OF ZONING REQUIREMENTS

Footnotes

**This summary is meant as a general guide only. Please refer to the Zoning Ordinance for full information on uses and requirements. The Zoning Ordinance chapter for each zone is provided in the summary.*

*** "Setback" and "yard" are used interchangeably in the Zoning Ordinance.*

- (a) Areas shown are the minimum lot sizes required, unless the zoning map specifies otherwise via a minimum lot size following the zone (e.g., RA-10,000 or E-A-15 where the numerical suffix equals the lot area required in square feet or acres).
- (b) In all zones, the minimum lot depth is 90 ft per Subdivision Ordinance Section 20.16.070 (b). Lot depth shall be no more than 3 times the average lot width except for minor subdivisions where the proposed lot depth to width ratio is less than that of the existing lot.
- (c) In this zone, buildings and structures used for growing or raising plants do not count towards lot coverage.
- (d) Minimum lot width required depends on the minimum lot size required. Consult the applicable Zoning Ordinance chapter for specifics.
- (e) Minimum setback may be different in certain circumstances. Consult the applicable Zoning Ordinance chapter for specifics.
- (f) Interior side setbacks must be a minimum 5 feet and need not exceed 10 feet.
- (g) Minimum lot area depends on average natural slope of the lot. Consult the applicable Zoning Ordinance chapter for specifics.
- (h) For the RD-M zone, minimum lot area and maximum building coverage vary based on a property's general plan designation. Refer to Zoning Ordinance sections 21.24.100 and 21.24.110.
- (i) For the R-T zone, minimum lot area and width and maximum building coverage can vary subject to City review. Refer to Zoning Ordinance sections 21.20.090, 21.20.110 and 21.20.120.
- (j) For the RHMP zone, refer to Chapter 21.37 for complete information. Minimum dimensions and areas stated are for individual mobile home sites, rather than lots. Mobile home and building separation standards may affect required setbacks.
- (k) The zone does not establish a minimum lot size. When a zone does not establish or address lot size, a minimum lot area of 7,500 square feet is required per Subdivision Ordinance Section 20.16.070 (2).
- (l) No setback standards are established unless they are required by (1) certain conditions or (2) a precise plan, use permit, or variance. Consult the applicable Zoning Ordinance chapter for specifics.
- (m) No rear setback is required unless the property's rear lot line abuts property in any "R" (residential) zone. Then, a rear setback of 10 feet (5 feet if along an alley) is required. In the C-T zone, the same standard applies to a side property line abutting R-zoned property.
- (n) Additional building height is permitted in certain circumstances. Consult the applicable Zoning Ordinance chapter for specifics.
- (o) Maximum building coverage varies based on type of parking facilities provided. Consult Zoning Ordinance Section 21.27.050 (7) for details.
- (p) Minimum lot area is dependent upon the existing or proposed use.
- (q) For the C-F zone, refer to zoning Ordinance Section 21.25.070 for minimum area requirements.
- (r) The Q and S-F overlay zones allow the City to impose requirements that may be more restrictive or broad than underlying zone standards.

revised 1/28/03

Page 7

Comment Letter L - Worden Williams, APC, on behalf of Bob Lipsey

RTC-70



Edwin (Ed) Studor
Consulting Transportation Planner
1062 Elm Avenue
Beaumont, CA 92223
Phone: (951) 845-5853 Cell: (951) 640-1060
E-mail: edjulie1@verizon.net

Ed Studor served as the senior transportation program manager for Riverside County for the 16 year period from 1989 through 2005, an era of tremendous growth and development. He has a total of more than 30 years professional transportation planning experience. He has extensive experience in all aspects of transportation planning.

Mr. Studor has been responsible for the implementation of various mitigation fee programs to address the traffic impacts of new development. He has also been involved in the update and rewriting of various ordinances regulating the development process, as well as the implementation of those ordinances via the imposition of various conditions for approval. He has prepared traffic impact analysis guidelines and has been responsible for traffic impact analysis review and approval.

His advanced planning experience includes various studies such as: precise roadway alignments, traffic modeling and forecasting, environmental studies, and General Plan Circulation Element updates. He served as the manager in charge for the transportation component Riverside County's Community and Environmental Acceptability Process (CETAP), integrating land use, transportation and open space planning on a countywide scale.

As a program manager he has been responsible for fiscal control of transportation planning budgets totaling several million dollars per year. His responsibilities have included the supervision of a large technical and professional staff; as well as the use of consultants to supplement staff including consultant selection, contract negotiations and consultant oversight. He has been instrumental in obtaining funds from various State, Federal and local grant programs for road construction projects, trails and advanced planning studies.

Mr. Studor has extensive environmental experience, having been responsible to obtain environmental clearances and appropriate permits for road construction projects. He worked very closely with State and Federal regulatory agencies on the CETAP project to obtain agreement on the permitting process for the transportation component of the plan and is very familiar the resource agency requirements.

Ed Studor has a Bachelor of Science degree from the School of Architecture and Environmental Design at the California Polytechnic State University at San Luis Obispo, and an Associate of Arts degree from Mt. San Jacinto College. He has been a member of the Institute of Transportation Engineers since 1989.

Comment Letter L - Worden Williams, APC, on behalf of Bob
Lipsey

EXHIBIT D

RTC-71

Ponto Beachfront Village Vision Plan Draft EIR
Traffic Report Comments
May 23, 2007

- L-43 While the projected Level of Service on Ponto Drive falls well with acceptable parameters, the increased traffic volumes projected on Ponto Drive as a result of the Ponto Beachfront Village Vision Plan are considerably higher than current levels and represent a significant adverse impact to the existing residents of the Hanover Beach Colony, particularly those residents that are adjacent to Ponto Drive.
- L-43 Exhibit 4 - Existing Peak Hour Volumes, indicates for intersection #24 - Ponto Drive/Carlsbad Blvd, current peak hours volumes on Ponto Drive of 56 (AM Peak) and 68 (PM Peak).
- L-43 Exhibit 20 - Horizon Year (2030) With Vision Plan Peak Hour Volumes, indicates peak hour volumes of 335 (AM Peak) and 423 (PM Peak) for this same intersection. These volumes represent increases of 598% and 622%, respectively for AM and PM Peak Hours.
- L-44 Table 14 - Peak Hour Roadway Segment LOS also confirms this analysis. The last roadway segment: Ponto Drive - Carlsbad Blvd to Avenida Encinas; indicates 2030 volumes without the vision plan that are nearly identical to today's volumes on Ponto Drive at Carlsbad Blvd: 50 (AM Peak) and 58 (PM Peak). With the Vision Plan the volumes jump to 333 (AM Peak) and 429 (PM Peak). Again, the figures indicate traffic volume increases on a magnitude of 6 times current or even projected levels without the vision plan.
- L-45 As such, we strongly recommend that the City consider reorienting the design of the vision plan such that more compatible land uses are located adjacent to the existing Hanover Beach Colony, which is the only established residential neighborhood adjacent to the proposed project. And further recommend that more intensive land uses, such as the three proposed resort hotels downplay the use of the existing Ponto Drive/Carlsbad Blvd intersection for primary access. We particularly recommend that primary hotel access not be permitted as an extension of Leeward Street, as previously envisioned for the Hilton Carlsbad Beach Resort.

Submitted by,
Edwin D. Studor PTP
Professional Transportation Planner
1062 Elm Avenue
Beaumont, CA 92223
Phone: (951) 845-5853 Cell: (951) 640-1060
E-mail: edjulie1@verizon.net

EXHIBIT D

Comment Letter L - Worden Williams, APC, on behalf of Bob
Lipsey

- L-43 The City of Carlsbad evaluates potential traffic impacts based on the SANTEC/ITE traffic study guidelines. While the proposed project will result in an increase in traffic levels on Ponto Road, the existing roadways have adequate capacity to accommodate the future growth and operate at acceptable Levels of Service.
- L-44 The traffic analysis and EIR indicate that traffic levels will increase with the proposed project. However, as shown in Table 5.6-8, Ponto Road will operate at LOS A.
- L-45 Mitigation requirements have been added to the EIR which will re-orient the proposed beach hotel away from the existing residents at Hanover Colony. The proposed hotel entrance will be shifted south. Additionally, the proposed service access is required to be located on the south side of the building. These measures will direct traffic towards Beach Way and away from the Hanover Colony homes.

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Comment Letter M – Phillip S. Rosenberg

From: "Phillip Rosenberg" <PROSENBERG@HARGIS.COM>
To: <cwest@ci.carlsbad.ca.us>
Date: 5/30/07 9:49 AM
Subject: Ponto Beachfront Village Vision Plan Draft EIR, SCH # 2007031141



Dear Mr. Westman:

My apologies for not getting this to you sooner. I had computer problems last evening which prohibited me from sending this.

I have conducted a preliminary review of the Ponto Beachfront Village Vision Plan Draft EIR. Attached is a letter summarizing my preliminary review comments related specifically to the Hazards and Hazardous Materials (5.4), Geology and Soils (5.9), and Hydrology and Water Quality (5.10) Sections of the EIR.

Thank you for the opportunity to review this document. If you should have any questions, I may be reached at (760) 822-7231 or psrosenberg@roadrunner.com.

Respectively submitted,

Phillip S. Rosenberg, PG, CEG, CHG

PHILLIP S. ROSENBERG, PG, CEG, CHG
HYDROGEOLOGIST/WATER QUALITY SPECIALIST
501 HALSING COURT
CARLSBAD, CALIFORNIA 92011



May 29, 2007

Mr. Christer Westman
Planning Department
CITY of CARLSBAD
1635 Faraday Avenue
Carlsbad, California 92008

SUBJECT: Draft Environmental Impact Report
Ponto Beachfront Village Vision Plan
SCH #2007031141/EIR 05-05/GPA 05-04

Dear Mr. Westman:

As a longtime homeowner and resident of the Ponto area, I have reviewed the Draft Environmental Impact Report (EIR) for the Ponto Beachfront Village Vision Plan by RBF Consulting dated April 2007. Based on my education and professional experience, I have reviewed the following sections of the Draft EIR:

- Section 5.4 Hazards and Hazardous Materials
- Section 5.9 Geology and Soils
- Section 5.10 Hydrology and Water Quality

Based upon my review, I offer the following comments at this time:

Section 5.4 Hazards and Hazardous Materials

M-1

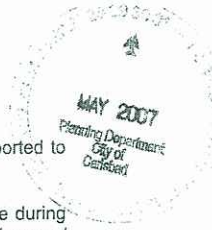
- In the second paragraph on page 5.4-1, it is indicated that the scope of the Phase I Site Assessment follows guidance provided in the American Standards for Testing and Materials (ASTM) Standard Practice E 1527-00. This is an outdated version of the ASTM Standard. The latest version is D 1527-05, which should be utilized by a qualified environmental consultant conducted site assessments.

M-2

- Page 5.4-3 indicated the former presence of underground storage tanks (USTs) at 7204 Ponto Drive. The USTs are considered a moderate recognized environmental condition (REC). On page 5.4-7, under Impact HM-1, the report indicates that the site *may represent the potential to release hazardous materials into the environment*. The report further states that this would be a significant impact and mitigation would be required. This REC would require additional testing, which is not mitigation. Ambiguous or no records are not sufficient to say there is no soil or groundwater contamination. In addition, County standards call

Comment Letter M – Phillip S. Rosenberg

- M-1 Comment noted. The Phase I ESA was prepared using the most current standard at the time. The new standard ASTM E1527-05 was released in the fall of 2006, and is typically used on Phase I ESA's for lending purposes; however, as lands within the Ponto Area are privately owned, no transfer of property will occur with implementation of the Vision Plan. To address potential issues related to hazardous materials, the ASTM E1527-00 is sufficient, based on the requirements of CEQA.
- M-2 Comment noted. Reference to a significant impact resulting from the underground storage tank has been removed, as documentation of the removal has been obtained. Refer to Section 5.4 and Appendix E of the EIR for the documentation.



M-2
cont'd

for more testing today, than was performed when those USTs were reported to be removed.

M-3

On page 5.4-4, the report indicates that the site was used for agriculture during the 1950's and 1960's. The report further states that "a combination of several commonly used pesticides (ie., DDD, DDT, DDE), which are now banned, may have been used previously on the Ponto Area. The historical use of agricultural pesticides has the potential to result in pesticide residues in on-site soils at concentrations that are considered hazardous, according to established Federal regulatory levels." This condition should require soil testing. Recent projects in the north San Diego County area have found elevated levels of toxaphene and DDT, carcinogenic pesticides, in near surface soils. This would present a potential hazard to workers and future residents of the area. In addition, the Community of San Pacifico has had an abnormally high incidence of cancer cases, many terminal, which should cause more caution when looking at such concerns.

M-4

Page 5.4-4 references metal pipes sticking out of the ground. This may be indicative of the potential presence of USTs, and should be further investigated.

Page 5.4-4 6th paragraph references "creosote dipping". If this was conducted on the property, it may have resulted in significant soil and groundwater contamination. Creosote dipping generally results in residual petroleum hydrocarbons and related compounds.

Page 5.4-5 references septic tanks. The presence of septic tanks should be confirmed prior to conducting earthwork construction, including mass grading.

M-5

Section 5.4.4 calls for further study to address environmental issues identified in the Phase I Environmental Site Assessment. Further study is not an acceptable mitigation measure based on the California Environmental Quality Act (CEQA).

Page 5.4-12 says a "certified Phase II/III Specialist" conduct the additional work. This is not a generally accepted qualification in the environmental consulting industry. Additional work should be conducted by a qualified and properly licensed environmental consultant, in accordance with all applicable County of San Diego, State of California, and Federal regulations.

Section 5.9 Geology and Soils

M-6

Page 5.9-3, Section 5.9.12 Seismicity. The report indicates that "fault features have been mapped in the Santiago Formation in the beach bluffs one mile south of the site, beyond Batiquitos Lagoon. These faults are generally classified as being only potentially active." This is not consistent with the State of California definition of a potentially active fault. The Santiago Formation is considered Eocene in age.

M-7

Page 5.9-4, Section 5.9.1.5 Landslides. Several slope failures have occurred along the railroad easement, to the north and south of Avenida Encinas. Many of

Comment Letter M – Phillip S. Rosenberg

M-3

Comment noted. Soil testing will be required on a site-specific basis as future development of the Ponto Area occurs. Individual landowners will be required to implement the mitigation measures in Section 5.4 as determined applicable and would be responsible for any soil testing if deemed necessary.

M-4

Comment noted. Investigation of (and removal of if necessary) the underground piping is addressed in Mitigation Measure HM-6. Mitigation would reduce potential impacts to less than significant.

The potential for creosote dipping or septic tanks to result in potential impacts is addressed in Mitigation Measures HM-4 and HM-5. Mitigation would reduce potential impacts to less than significant.

M-5

Because the lands within the Ponto Area are privately owned, landowners would be responsible for the identification of and mitigation for potential hazardous materials within their property. The City does not have the authority to perform a site-wide Phase II at this time. In addition, the Vision Plan will not result in development of the Ponto Area, but rather provides a guide for future development if and when private landowners decide to do so. Therefore, mitigation measures are given that will be applicable to future development, depending upon the characteristics and historic uses on the individual ownerships.

M-6

Comment noted. Text in Section 5.9.12 revised as applicable.

M-7

Comment noted. The potential for slope failure along the railroad easement is addressed in Section 5.9.3.5.

M-7
cont'd

these have been repaired by grading. This condition and the potential for future slope failures should be addressed in this section.



5.10 Hydrology and Water Quality

M-8

Page 5.10-2, Section 5.10.1.2. The report states that *"without a site plan or allocation as to the amount of parking required, volume-based calculations to estimate storage needs are impossible"*. Volume based calculations that are based on too many assumptions are generally not valid

M-9

Page 5.10-4 Refers to jurisdictional wetlands. All jurisdictional wetlands should be delineated and shown on a figure if the wetlands are within the boundaries of the proposed action.

M-10

Page 5.10-5 refers to a "proposed desilting basin located near the lagoon. Any hydrologic analyses needs to take into account existing and proposed conditions, as well as any proposed improvements. In addition, the potential impact of this feature on the water quality of the Batiquitos Lagoon should be further evaluated.

M-11

Page 5.10-6, third paragraph indicates that *"the site is assumed to discharge to newly designed pipe and then directly to Batiquitos Lagoon and the existing pedestrian under-cross at the low point in Carlsbad Boulevard"*. The impacts from this discharge to water quality the Batiquitos Lagoon and Pacific Ocean should be further evaluated. The Ponto Beach area is used for recreation, exposing many potential human and ecological receptors to contaminants from runoff.

M-12

In general, given the potential significance of issues related to hydrology and water quality, the analyses conducted do not appear to be adequate.

M-13

This Hydrology and Water Quality section of the Draft EIR is generally generic and does not address the sensitivity of the Batiquitos Lagoon as a receptor. In the early 1990s the City of Carlsbad and Port of Los Angeles invested over 55 million dollars in the Batiquitos Lagoon Enhancement Project. The project was an imminent success, and restored the Batiquitos Lagoon to a natural, tidally-influenced condition that existed prior to development of the region. One of the primary goals of the project was to restore the lagoon back to its natural condition, as well as preserving a rare wetlands area and providing habitat for threatened and endangered species. The protection of water quality in both the lagoon and adjacent ocean waters was of utmost importance during and subsequent to the completion of the Batiquitos Lagoon Enhancement Project.

With the Ponto Beachfront Village Vision Plan the City of Carlsbad has the opportunity to transform some of the last remaining pieces of undeveloped land in southern California into a future development that will benefit not only the City of Carlsbad and its residents, but future generations and visitors for many years. Each aspect of the project, however, must be properly planned and implemented to minimize the impact to the surrounding environment and sensitive ecosystem that surrounds the Batiquitos Lagoon.

Comment Letter M – Phillip S. Rosenberg

- M-8 Comment noted. A preliminary hydrology analysis is provided as Appendix I of the EIR. Refer to Response to Comment A-18. Site-specific analysis will be provided at the time when site design details are available for future development proposed on individual ownerships and effective BMPs can be selected and applied.
- M-9 Comment noted. Refer to Figures 5.2-3, 5.2-4 and 5.2-6, 5.2-7.
- M-10 Comment noted. Refer to Response to Comment A-18.
- M-11 Comment noted. Refer to Response to Comment A-18.
- M-12 Comment noted. Refer to Response to Comment A-18.
- M-13 Comment noted. Refer to Response to Comment A-18 and Q-5.

M-13
cont'd

Much of the proposed redevelopment will change the existing land use surface improvements, which could negatively impact water quality in both the Batiquitos lagoon and adjacent ocean waters. Areas that are paved with asphalt or concrete, parking lots, and increased traffic will likely result in contaminants such as diesel and gasoline fuel, motor oil, hydrocarbon products, and other hazardous chemicals being released into the storm drain system which ultimately flows to the Batiquitos Lagoon. Landscape areas, even if properly managed, could contribute chemicals from fertilizers and pesticides into the waters of the Batiquitos Lagoon. Chemicals from fertilizers could increase the amount of nitrogen and phosphorus in surface water runoff, could lead to algal blooms in the lagoon, which would be damaging to the sensitive ecosystem.

Comprehensive hydrology and water quality studies should be conducted in conjunction with the environmental impact studies for each element of the Ponto Beachfront Village Vision Plan. Hydrology studies should evaluate ground surface changes, total areas of each proposed surface, anticipated runoff volumes, storm drain system capacities, and best management practices to minimize storm water pollution. Water quality studies should assess the potential impact of increased runoff and water quality not only on the Batiquitos Lagoon, but also on the adjacent ocean waters. All such studies should be conducted once the actual elements of the proposed redevelopment are fully defined.

M-14

In summary, I support the City of Carlsbad's desire to redevelop the Ponto Area, but urge the City leaders to do what is not only best for its residents, but the sensitive environment that we share. Proper hydrology and water quality studies should be conducted during planning and design of the Ponto Beachfront Village Vision Plan

Sincerely,



Phillip S. Rosenberg, PG, CEG, CHG
Hydrogeologist/Water Quality Specialist

Comment Letter M – Phillip S. Rosenberg

M-14 Comment noted.



San Diego County Chapter

P.O. Box 1511
Solana Beach, California 92075
Phone (858) 792-9940 Fax (858) 755-5627

May 29, 2007
Via Email

Christer Westman
Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

RE: EIR 05-05 (SCH # 2007031141)
Ponto Beachfront Village Vision Plan

Dear Mr. Westman,

Thank you for providing the Surfrider Foundation an opportunity to comment on the Ponto Beachfront Village Vision Plan EIR.

First, we request the City hold a workshop on the Ponto Beachfront Village Vision Plan (Vision Plan) to explain how the EIR should be interpreted and used. Surfrider has received many comments and questions about the EIR, which should be answered by the Planning Department. The EIR is too vague to be effective at informing the public about the impacts and the alternatives of the proposed project. Further, a hearing on the EIR would clear up some of the confusion on how to properly interpret the EIR.

Secondly, we note the southern parcel in the Vision Plan, just north of Batiquitos Lagoon (APN 216-140-17 & 216-140-18, hereinafter "Southern Parcel") has gone into foreclosure. Kaiza Poinsettia Corp defaulted on their loan. The MIDORI BANK, LTD, appears to be the current owners. We would suggest that this would be an excellent opportunity for the City of Carlsbad to purchase the property, in order to provide true flexibility in the City's decision making. Further, the Southern Parcel has been illegally fenced off, without permits from the City of Carlsbad or the Coastal Commission, which has concurrent jurisdiction. The City should force removal of the fence and re-open the area for the public.

A. The EIR Must Separate the Increased Residential Alternative from the Increased Open Space Alternative.

First, we do not understand why setting aside some or all of the Southern Parcel is combined with an alternative increasing the residential use. Our scoping comments of July 7, 2006, did not suggest that both alternatives (open space/ and increased residential) be combined into a single alternative. There should be an alternative which includes simply setting aside the

The Surfrider Foundation is a non-profit grassroots organization dedicated to the protection and preservation of our world's oceans, waves and beaches for all people through Conservation, Activism, Research and Education. Founded in 1984 by a handful of visionary surfers, the Surfrider Foundation now maintains over 52,000 members and 60 chapters across the United States and Puerto Rico, with international affiliates in Australia, Europe, Japan and Brazil. For an overview of the San Diego Chapter's current programs and events, log on to our website at www.surfridersd.org or send email to info@surfridersd.org.

Comment Letter N – Surfrider Foundation, San Diego Chapter

N-1 Comment noted. A public meeting to explain what an EIR is and how to interpret it is not required per CEQA. However, the project manager (Christer Westman) can be contacted at the City as identified on the cover of the EIR at (760) 602-4614 during business hours or via email at cwestman@ci.carlsbad.ca.us to address any questions regarding the EIR.

Regardless, in summary, through the technical studies prepared, the EIR clearly identifies the potential impacts that would occur with implementation of the Ponto Vision Plan and provides mitigation required to reduce each potential impact to less than significant. As described in the EIR, as future development occurs within the Ponto Area, individual landowners would be required to implement site-specific mitigation to reduce potential impacts.

Consistent with Section 15126.6 of CEQA, the EIR evaluates a range of alternatives to development proposed in the Vision Plan. Each alternative is evaluated for potential impacts in the same issue areas as the proposed project (i.e. noise, air quality, etc.), as well as for the potential to reduce impacts as compared to the proposed project. This analysis provides a clear reasoning as to the potential environmental effects of each alternative and allows for further consideration or rejection of the alternative.

N-2 Comment noted. As lands within the Ponto Area are privately owned, and not City property, the option for the City to purchase the southern portion of the Area for use as a park would be an option for consideration by the City Council, not as a matter of the CEQA process or identification of environmental impacts that may occur with planned development of the Ponto Area. In addition, the northern portion of the Ponto Area has been identified as a redevelopment area by the City, and as such, is intended for development, consistent with the intent of the Local Coastal Program for development within coastal areas.

The land affected by the Ponto Vision Plan is comprised of a number of private ownerships. As with any other privately-owned land within the City, owners are allowed to fence their property boundaries to identify the limits of ownership, or for purposes of protection or safety. The current owners are in the process of obtaining the appropriate Coastal Development Permit.

Although the historic public use of this parcel may have occurred without the current owner prohibiting or restricting public use of the property, this historic use does not constitute an established formal use. No judicial



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P.O. Box 1511
Solana Beach, California 92075
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N-3
cont'd

Southern Parcel or a portion of the Southern Parcel, without changing the remainder of the Vision Plan.

As discussed in the EIR, joining the increased open space alternative with increased residential does not meet the goals of the Vision Plan. (EIR Section 6.5.3). However, if the majority of the Vision Plan remained unchanged, except for setting aside all or part of the Southern Parcel, then an "Increased Open Space Alternative" would meet the goals of the Vision Plan and the goals of the surrounding existing community. A finely landscaped park would fit with much of Carlsbad's "horticultural heritage."

N-4

Again we emphasize the importance of preserving open space over development. A park located on the Southern Parcel would contribute to the environmental and economic value of Carlsbad, while not further increasing traffic congestion. Open space is an invaluable resource for both tourism and the local community. Such a park would provide a better gateway than any large scale development.

N-5

In addition, building a large hotel on the southern parcel, despite the claim of the EIR, will have an adverse impact on the beach and the water quality in Batiquitos Lagoon. In our scoping comments, Surfrider specifically requested that the City look into the economic evaluation of creating and maintaining open space on the Southern Parcel. Such analysis was left out of the EIR.

N-6

Finally, the EIR did not look into building a smaller hotel on the Southern Parcel, while maintaining the southern most half of the Southern Parcel as open space/park.

B. The EIR Does Not Make Clear that the Public Will Have Access to the Southern Parcel if a Hotel is Built.

N-7

Although one of the suggestions of the Vision Plan is to make a 10' wide public access trail along the perimeter of the Southern Parcel, it does not appear to make such trail a mandatory requirement. In fact, the EIR is contradictory in its language. For example, in section 3.2.1.1, the description of the Beachfront Resort states, "The resort would include a wide public trail on the perimeter of the grounds." However, in section 3.2.1.2 it states that a 10'-12' community trail may be included in the development of the project site. The EIR should make it clear to developers and the public that the views of the ocean and Batiquitos Lagoon will not become a private asset of the Beachfront Resort. The public must have access, as it has had since time immemorial.

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determination of prescriptive rights has been made regarding public access to this property. Although this privately-owned property has been fenced by the owner, thereby restricting public access to and use of the parcel, public parking and other public recreational amenities are available for use at the State Beach, across Carlsbad Boulevard.

N-3

An additional alternative, the Increased Recreational Amenities / Green Space Alternative has been added and analysis is included in Section 6.8; refer also to Figure 6-6 for an illustration. This alternative proposes future development similar to that under the Vision Plan, with the exception of a linear public park established along the southern border of the Resort Hotel Area, incorporating the multi-use perimeter trail envisioned by the Plan.

N-4

Refer to Responses to Comments N-2 and N-3 above.

N-5

In response to public comments received, the EIR evaluated the Increased Residential/Open Space Alternative which included an open space/community park use on the southern parcel, rather than the hotel/timeshare use analyzed with the Vision Plan. This alternative was analyzed for potential impacts as compared to the proposed project and was found to not meet several of the project goals, in particular, consistency with the LCP goal of providing visitor-serving commercial uses in the coastal zone. Refer to Section 6.5 of the EIR.

In addition, as mentioned in Response to Comment N-2 above, this land is privately owned and not City property. The option for the City to purchase the property for use as a park would be an option for consideration by the City Council, not as a matter of the CEQA process or identification of environmental impacts that may occur with planned development of the Ponto Area. If the City Council were to consider this option to development of the Ponto Area, an economic evaluation would be prepared at that time to weigh the economic costs and/or benefits resulting from purchase of the land and maintaining it as undeveloped useable open space versus allowing the land to develop under private ownership and as proposed by the Vision Plan.

N-6

The additional alternative, the Increased Recreational Amenities / Green Space Alternative, addresses this issue and would provide a linear public park with a hotel / timeshare use. Refer to Section 6.8 and Figure 6-6 of the EIR.



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C. The EIR Must Include Mitigation for Pollution of Batiquitos Lagoon (Post-Construction of the Beachfront Hotel)

If the Vision Plan comes to fruition, there will be more trash and runoff going into Batiquitos Lagoon. We would suggest the following mitigation measures be included in the EIR to better protect the natural resources.

N-8

1. Emphasis on native vegetation and landscaping.
2. Organic landscaping methods be required, especially on the Southern Parcel (no pesticides or non-organic fertilizers.)
3. No overwatering.
4. Trash is monitored and retrieved regularly along the shores of the Batiquitos Lagoon by the managers of the Beachfront Resort (if built).
5. Styrofoam is banned within the development. (It breaks down into small pieces and blows everywhere.)

N-9

D. The EIR Requires a Better Explanation of the Road Alignment Alternatives.

The EIR needs to be more comprehensive in explaining the environmental benefits of each alternative road alignment for Carlsbad Boulevard. Surfrider was unable to determine the basis for determining Alternative 1 as the environmentally superior alternative, as compared to Alternative 2.

N-10

Surfrider believes it is absolutely critical to have a left turn lane available for north bound Carlsbad Boulevard traffic at Avenida Encinas, for safety reasons. The current situation is very dangerous to surfers, bicyclists and beachgoers.

N-11

We also support more parking along the beach. Parking is an important part of access to the beach. Adequate public parking also helps relieve traffic congestion because beachgoers are not circling the streets trying to find parking near the beach. Thus, we would encourage choosing an alternative that also increases the number of parking spots.

N-12

E. The EIR Should include Analysis of all Pending Projects.

It is not clear from the EIR that Section 3.4 is actually the proposed projects which would be implemented by the Vision Plan. Each project should specifically state what section of the Vision Plan these projects represent. For example, Section 3.4.4 discusses a preliminary application for 180 hotel units, 126 timeshare units, two-level parking garage, five buildings etc... Is this the planned Beachfront Resort? If such project is the "Beachfront Resort" then it should state such in the EIR.

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N-7

The Vision Plan provides a conceptual plan for future development of the Ponto Area. As such, development that varies from that proposed by the Plan, but is still consistent with the intent of the Plan, may occur. On page 25, the Vision Plan states that "A public trail around the perimeter the Beachfront Resort ensures that the large development does not preclude community views to the lagoon and ocean. Instead, the resort becomes a community amenity and is an integral part of the Ponto Beachfront Village. A multi-use trail is approximately 10 to 12 feet wide is envisioned..." Therefore, a perimeter trail is envisioned to allow for public use and continued views of the ocean and lagoon; however, the ultimate dimensions of the trail and features along the trail (i.e. landscaping, benches, etc.) may vary from that described in the Plan.

Sections 3.2.1.1 and 3.2.1.2 of the EIR have been revised for clarification of this issue.

N-8

Comment noted. Under the National Pollutant Discharge Elimination System (NPDES) program, the City of Carlsbad requires development and significant redevelopment that falls under the category of "priority projects" to incorporate Best Management Practices (BMPs) to ensure that projects reduce potential urban runoff to the maximum extent practicable (MEP). All resulting discharges would be required to conform to the following: Implement a Storm Water Pollution Prevention Plan (SWPPP) that identifies BMPs to prevent all construction pollutants from contaminating storm water and with the intent of keeping all products of erosion from traveling offsite into receiving waters; Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the U.S.; and, perform routine inspection of all BMPs.

Future development onsite would be subject to and would incorporate the "Priority Project Permanent Storm Water Requirements" per the City's Standard Urban Stormwater Mitigation Plan (SUSMP). These include the site design and source control BMPs, BMPs applicable to individual priority project categories, and treatment control BMP requirements.

Consistent with City requirements, the EIR proposes (BMPs) for short-term (construction) and long-term (operational) activities to reduce the potential for development of the Ponto Area to impact water quality of area water bodies, including the Batiquitos Lagoon or Pacific Ocean. Application of BMPs at a site-specific level to account for physical characteristics of the property and proposed project are considered to



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N-13

Further, if the existing development applications are already submitted and ready for implementation once the Beachfront Village Vision Plan is adopted, then the EIR should be analyzing such projects at this time. An EIR should be as complete as possible to avoid sweeping problems under the rug. By not analyzing the projects summarized in Section 3.4, the EIR improperly segments the whole project.

N-14

We look forward to further analysis of this project and EIR. We urge you to keep the unique natural resources of Carlsbad in mind as you proceed with decisions regarding the Vision Plan. Please give consideration heavy consideration to the comments and concerns presented by the public.

Sincerely,

Julia Chunn
Chair
Surfrider Foundation
San Diego Chapter

Todd Cardiff, Esq.
Advisory Board

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effectively reduce potential impacts on water quality to less than significant.

N-9

Language has been added to Sections 2.6.8 and 6.9 to clarify the environmental benefits of the roadway alignment alternatives. Of the alignment alternatives considered for Carlsbad Boulevard, Alternative 1 was identified as the environmentally superior alternative because it would result in the least impact to biological resources due to roadway construction, as compared to Alternatives 2 and 3 (refer to Table 6-2, Comparison of Carlsbad Boulevard Re-alignment Alternatives). This alternative would also retain the existing Cypress trees that are located within the median, thereby reducing potential impacts to visual resources and character of the scenic roadway.

N-10

Comment noted. RBF worked in conjunction with the City of Carlsbad to prepare the traffic analysis for the proposed project. The analysis considered the traffic trips that would be generated by the land uses proposed with the Vision Plan (refer to Appendix G of the EIR). The analysis did not identify potentially significant traffic impacts to the intersection of Carlsbad Boulevard at Avenida Encinas that would require the construction of a left turn lane at that location. Although conditions at this intersection may be of concern to bicyclists, surfers and beachgoers, this condition is an existing one, and not a result of the Ponto Vision Plan. Therefore, as the traffic analysis did not determine that implementation of the Vision Plan would cause a significant impact at this intersection, mitigation in the form of constructing a turn lane would not be required.

N-11

The Vision Plan, with consideration of the realignment of Carlsbad Boulevard (analyzed as the proposed project in the EIR), would provide 61 parking spaces along Carlsbad Boulevard. In addition, the Vision Plan envisions construction of a pedestrian underpass to allow visitors to park within the Ponto Area and easily access the State Beach, rather than taking up parking along Carlsbad Boulevard. All future land uses within the Ponto Area would be required to provide onsite parking at a ratio consistent with City of Carlsbad standards to ensure that adequate parking is available.

N-12

For clarification purposes, Section 3.4 has been revised to state that the projects described in this section are included in the development area considered in the EIR and are fully analyzed.

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Section 3.4.4 of the EIR has been revised to identify the areas within the Vision Plan where each of the development applications considered would be located.

- N-13 Comment noted. As stated in Section 3.4, the EIR analysis considers the one development application and three preliminary review applications that had been submitted at the time the City was directed to prepare an EIR for implementation of the Vision Plan. These projects are fully analyzed within Chapters 5.0 and 7.0 of the EIR for potential impacts. These projects are analyzed based on their proposed designs that were on file with the City at the time when preparation of the EIR was requested, and development within the Ponto area was placed on hold.

As such, potential traffic impacts (and resulting air quality and noise impacts) generated by these uses, as well as the remaining areas where no development applications currently apply, were determined with consideration for the use or number of units/rooms proposed with these applications. Visual simulations were prepared using available development plans and elevations that were available at the time when these applications were submitted and are included as Figures 5.7-4 to 5.7-8. All other issue areas (i.e. biological, hazards, agricultural, etc.) were analyzed with consideration for these projects to provide an effective evaluation of the future land uses and densities anticipated within the Ponto Area. Therefore, the EIR does not improperly segment the project, and instead, provides a complete environmental analysis of the proposed 50-acre Ponto Area.

- N-14 Comment noted.



Batiquitos Lagoon Foundation

Preserve, Protect and Enhance

May 28, 2007

Christer Westman
Senior Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad, California 92008

**Subject: Ponto Beachfront Village Vision Plan Environmental Impact
Report EIR 05-05 (SCH #2007031141)**

Dear Mr. Westman:

RECEIVED

MAY 29 2007

CITY OF CARLSBAD
PLANNING DEPT

O-1

The Batiquitos Lagoon Foundation (BLF) appreciates this opportunity to comment on EIR 05-05 for the Ponto Beachfront Village Vision Plan. The BLF has been striving to *preserve, protect and enhance* the Batiquitos Lagoon and its environs since 1983. While we wish it were possible to preserve more of the Ponto area in its current semi-developed state, we recognize the long-standing development rights granted by the City's General Plan, zoning ordinance and other adopted plans. Given that development will occur in this area, we support the City's effort to develop a vision plan and Environmental Impact Report (EIR) that provide a unifying theme for future development, while protecting the environment to the maximum extent possible.

O-2

This letter provides comments on both the EIR and the Vision Plan itself because the two documents must be understood together. The Vision Plan is the project that is analyzed by the EIR, and there are currently some inconsistencies between the two. We assume that where there is any inconsistency, the EIR would govern. It is recommended that the Vision Plan be revised and republished at the conclusion of this planning process in order to ensure that it is up to date and consistent with the certified EIR.

Comments on the Vision Plan

O-3

1. The goals for the Vision Plan do not include a clear statement recognizing the need for compatibility of new development with the adjacent Batiquitos Lagoon and its numerous sensitive resources. The BLF believes this is a goal of the City and it should be specifically stated in both the plan and the EIR.

Comment Letter O – Batiquitos Lagoon Foundation

O-1 Comment noted.

O-2 Comment noted. Through comments gained through public scoping meetings and public review and comment, some revisions have been made to the proposed project that vary to some degree from that envisioned with the Vision Plan. As such, the City recognizes that there are inconsistencies between the Vision Plan as originally prepared and the project analyzed in the EIR. To effectively identify potential environmental impacts resulting from future development of the Ponto Area, the EIR considers the one development application and the three preliminary review applications that were on file with the City at the time when preparation of an EIR was requested. As such, specific ownership boundaries were considered in the EIR, which may vary slightly from the boundaries of the land use areas as depicted in the Vision Plan.

The Vision Plan is intended to provide guidance for future development of the Ponto Area. As such, some variations between that which is actually built in the future and that which is illustrated in the Vision Plan may occur as development applications are submitted to the City in upcoming years. The City will decide if and at what time during implementation of the Vision Plan it is appropriate to revise the document to reflect future development as it is approved within the Ponto Area.

O-3

Comment noted. DA statement has been added to Section 5.2.1 of the EIR to recognize the importance of compatibility of new development with the Lagoon. Additional language is included in Section 5.2 to discuss potential impacts of implementation of the Vision Plan on the resources of the Batiquitos Lagoon. Clarification to several mitigation measures has been provided to address impacts to such resources (i.e. installation of permanent fencing approved by the USFWS and CDFG along the top of slope overlooking the Lagoon).

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O-4 Comment noted.

O-5 Comment noted. As the Vision Plan represents future land uses envisioned for the Ponto Area, the details of the Nature and Arts Center would be determined at the time development was proposed. If the Center were to be constructed, it could be built by the private landowner and operated with private or non-profit funding. An opportunity for donation of the land to a non-profit organization, such as the Batiquitos Lagoon Foundation (BLF), may also occur, with possible funding available for construction and operation.

The City will continue to work with the BLF in considering opportunities for the Nature and Arts Center.

O-6 Comment noted. The City will continue to work with the BLF with regards to these proposed uses.

O-7 Comment noted. The City concurs with the statement regarding invasive plants and this issue is considered in Section 5.2.3 of the EIR. The Vision Plan provides suggestions for landscaping materials to enhance the overall image and pedestrian environment of the Ponto Area, and does not constitute a restricted list from which all future landscaping materials would be selected. Landscape plans prepared for future individual development projects within the Ponto Area will not include any species included in the California Invasive Plant Inventory prepared by the California Invasive Plant Council (Cal-IPC 2006) or in Table 12 of the City's HMP. All landscape plans would be submitted to the City for review and approval, prior to issuance of any clearing or grading permit, to ensure that no invasive species are proposed as landscaping materials.

O-8 Comment noted. All future landscaping will be consistent with the City of Carlsbad's Landscape Manual. Landscape Plans will be reviewed by the City to identify the appropriate landscaping materials for proposed development within the Ponto Area.

O-9 Comment noted. The Vision Plan provides examples of types of lighting, but does not represent the exact lighting features that would be installed with future development within the Ponto Area. All future lighting would be consistent with City of Carlsbad requirements and would be approved by the City through the review process. In addition, discussion of night lighting is provided in Section 5.7.3.1, Light and Glare, and Section 5.2.3, Environmental Impact. Mitigation Measure B-5 states that lighting within the proposed project development envelope, adjacent to preserved

O-4

2. The BLF supports the trail plan, particularly the perimeter trail at the resort and the connection to the regional trail system with a bridge crossing over the railroad tracks. Public access to the City's natural open space resources has always ranked high among Carlsbad residents. As you may know, the BLF would like to see a continuous trail from El Camino Real to the beach. The trail segment to be constructed with this project would be a significant step in that direction.

O-5

3. The BLF supports the concept of a Nature and Art Center within the mixed use area. It is unclear from the Vision Plan whether this facility would be privately owned and operated or whether public agencies and non-profits would be involved. This use merits more detailed consideration so that it does not duplicate or conflict with the existing Batiquitos Lagoon Nature Center operated by the BLF. Because the BLF is the primary organization conducting nature education and interpretation programs at Batiquitos Lagoon, it is recommended that the City continue to work with the BLF to further refine and clarify the Nature and Art Center concept.

O-6

4. The BLF also supports the concept of the underpass path, boardwalk trail and wetland interpretive area. Again, it is recommended that the City continue to work with the BLF to further refine the wetland interpretive area concept to maximize its synergy with other BLF interpretive programs.

O-7

5. The landscaping section includes some plants that are recognized by the California Invasive Plant Council (Cal-IPC) as invasive and should not be used in proximity to natural open space. These include fountain grass (pennisetum) and pepper tree (schinus molle). This aspect of the landscaping plan is in conflict with statements on page 5.2-14 of the EIR which says that no invasive plants will be used. All recognized invasive species should be eliminated from the landscaping section of the plan and should be prohibited from use anywhere in the Ponto Beach Village. Also see comment under EIR discussion.

O-8

6. Although the text of the landscaping section states that trees and plants native to southern California should be used, the list of recommended trees includes very few native species. Some non-native species are suggested when a better native species is available. For example, California fan palm should be substituted for Mexican fan palm. The use of coast live oak as a gateway tree is commended, but the other two gateway trees are non-native palms. In general, more native tree species should be specified.

O-9

7. The street furniture section shows some fairly tall light poles that could cause an indirect lighting impact to the Least tern colony if used along the resort hotel perimeter trail. Without a detailed lighting plan, we cannot determine which lighting fixtures would be used in a given area. Lighting used along the perimeter trail should be no more than 24 inches in height and of low wattage. More detailed comments on lighting are provided in the EIR comments below.

O-10

8. The discussion of existing regulatory status does not mention that several parts of the study area are subject to the City's Habitat Management Plan

O-10
cont'd

(HMP), which is also incorporated in the Local Coastal Plan (LCP). While the project's biological impacts appear to be relatively minor, the project is still subject to these requirements. This is especially pertinent to the resort hotel and the Carlsbad Boulevard portions of the plan. Further discussion of this point is provided in the EIR comments below.

Comments on the EIR

O-11

1. Overall, the EIR lacks specificity in certain areas, making it difficult to assess the magnitude of impacts or the effectiveness of mitigation measures. It is understood that the project is a Vision Plan which is necessarily somewhat general in nature. However, in order for the public to understand and feel comfortable with the environmental effects of the project, more detail is needed on how issues such as storm water will be addressed. For example, the document provides preliminary flow volume calculations after earlier stating that it is impossible to do such calculations due to lack of project detail. Such statements are difficult to reconcile. Similarly, several general run off mitigation possibilities are discussed, but the simplest are then stated as being impractical in high land cost areas. Such discussions do not constitute valid and enforceable mitigation measures.

O-12

2. Biological Resources

- a. In the discussion of edge effects, the EIR does not mention several development/habitat interface issues that are discussed in the HMP and the Open Space Management Plan, nor does it acknowledge the buffer requirements of the HMP or the LCP. For example, the EIR does not mention the detrimental effects of excess irrigation water on adjacent native vegetation. Irrigation water that runs off into habitat areas (aside from wasting water) can cause invasive Argentine ants to spread, leading to the elimination of native ant species and the loss of reptiles that feed on native ants. The HMP and LCP require buffers of at least 100 ft. from wetlands, 50 ft. from riparian habitat, and 20 ft. from coastal sage scrub or chaparral. The LCP also includes specifications for the landscaping within these buffers. In order for the EIR to be in compliance with the HMP and LCP, the EIR should include a mitigation measure requiring that any development projects comply with these buffers and the landscaping standards, including a statement that all irrigation be designed so that there is no runoff into adjacent habitat areas.

O-13

- b. Page 5.2-14 contains the statement. "Landscape plans prepared for future individual development projects within the Ponto Area shall not include any species included in the California Invasive Plant Inventory prepared by the California Invasive Plant Council (CAL-IPC 2006) or in Table 12 of the City's HMP." Although this statement is worded as if it were a mitigation measure, it is not in the mitigation section of the document, and there is no comparable mitigation measure provided. The statement is used to draw the conclusion that there will be no

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habitat, shall be of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from preserved habitat. Impacts would be reduced to less than significant.

O-10 Comment noted. Refer to Comment O-12 below.

O-11 Comment noted. Refer to Responses to Comments A-18 and N-8.

O-12 Language has been added to Section 5.3 of the BTR and Section 5.2.1 of the EIR regarding development/habitat interface requirements. Appropriate buffers will be determined through site-specific analysis during the application review process.

A discussion regarding indirect effects to water quality is included in Section 6.2.1 of the BTR and Section 5.2.3 of the PEIR. Development will be required to comply with Section 4, Chapter 7, Volume 1 of the City's Engineering Standards and Chapter 15.12, Storm Water Management and Discharge Control, of the City's Municipal Code.

O-13 Language has been added to clarify that a Landscape Plan would be required as part of the development application and review process (see Page 5.2-14). Consistent with City requirements, proposed Landscape Plans will not include species included in the California Invasive Plant Inventory prepared by the California Invasive Plant Council (Cal-IPC 2006), or in Table 12 of the City's Habitat Management Plan. Landscape Plans would be submitted to the City for approval, prior to issuance of any clearing or grading permit. Therefore, impacts as a result of colonization of non-native plant species are not considered to be significant.

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- O-14 The mitigation measures for impacts to sensitive habitats have been revised in response to USFWS and CDFG comments and are consistent with the approved Carlsbad HMP. (See responses A-6, A-7, A-8, A-9, and A-10 above).
- O-15 Mitigation measure MM 7.3.1 in the BTR and B-3 in the PEIR has been revised to clarify requirements for gnatcatcher, least terns, and raptors.
- O-16 Mitigation measure MM 7.3.3 in the BTR and B-3 in the PEIR has been revised as requested.

O-13
cont'd

significant effects from colonization of non-native plants as a result of the project. However, the Vision Plan includes at least two invasive species in its list of recommended plants for the landscaping plan, as noted in a previous comment. Therefore, in order for the EIR to be in compliance with the HMP and LCP, unless a mitigation measure is included that prohibits the use of invasive plants in project landscaping, the conclusion of non-significance cannot be sustained. The mitigation measure must also provide some assurance that the City's landscape plancheck process will enforce the mitigation measure.

O-14

c. Mitigation Measures B-1b and B-1c refer to offsite acquisition of replacement habitat for impacts to southern coastal bluff scrub and Diegan coastal sage scrub. This is not consistent with the HMP and LCP requirements for mitigation in the coastal zone which calls for creation of new habitat in order to achieve no net loss of habitat. In order for the EIR to be in compliance with the HMP and LCP, Mitigation Measures B-1b and B-1c and the associated tables of impacts and mitigation acreages must be modified accordingly.

O-15

d. Mitigation Measure B-3 deals with grading activities during the nesting seasons of gnatcatchers, least terns, and raptors. It is potentially confusing or misleading to lump these birds together in this manner, and they should be separated into 3 subheadings. For example, the measure states that if grading is to occur during the least tern nesting season, a pre-construction survey shall be conducted. Because of the Least tern's migratory pattern, a pre-construction survey for them would not be appropriate. Least terns nest on the Batiquitos Lagoon sites every year on a predictable schedule, and the EIR should assume that they will be present between April and September every year. Therefore, the mitigation measure should prohibit grading within 500 ft. of the tern nesting sites during this season. In addition, it is recommended that the mitigation measure be more specific about what constitutes "raptor habitat" so that it is clear what areas of the project this measure applies to. If this is meant to refer only to raptor nesting sites and not foraging areas, it should be stated in that way.

O-16

e. Mitigation Measure B-4 as worded is not a valid mitigation measure because it does not adequately specify the parties who will be responsible for dealing with persistent problems related to domesticated pets or feral animals. The provision for education of property owners, residents and visitors is good. However, the last sentence of the mitigation measure uses the passive voice and does not distinguish between residential and non-residential uses. This wording in the mitigation measure falls short of the statement on page 5.2-20 under Impacts After Mitigation which states, "Mitigation Measure B-4 *designates* that a *specific entity* will be responsible for each development area for controlling access of domestic pets to open space areas." The BLF suggests that the mitigation measure be

O-16
cont'd

rewritten to more clearly state that each HOA (for residential projects), property owner (for hotels and other non-residential projects), and the City of Carlsbad (for the public trails system and related open space) is responsible for taking steps to prevent problems from nuisance animals and domestic pets by an integrated program of education, signage, litter and refuse collection, prohibition against feeding wildlife, pest-proof refuse containers, pest eradication when necessary, and coordination with the Department of Fish and Game and other habitat managers to address persistent problems.

O-17

- f. Mitigation Measure B-5 regarding night lighting as written is not a valid mitigation measure because it is too subjective. The measure provides no numeric standards or other criteria by which one could objectively determine whether the measure is being complied with. Without objective standards, it is not possible to confirm that the measure reduces indirect lighting impacts to less than significant. The BLF is especially concerned about night lighting of the resort hotel in relation to the Least tern nesting colony located immediately below it. This mitigation measure must be modified to either include enforceable, objective standards or to provide for a separate public review process for the project-level lighting plan.

O-18

- g. The EIR indicates that 5.8 acres of wetlands and 34.9 of native upland habitats will remain in the project area after development. There is no mention of how these natural open space areas will be owned and managed as required by the HMP and the LCP. In order for the EIR to be in compliance with the HMP and LCP, a mitigation measure must be added stating that all development projects be conditioned to provide for: (1) the transfer of fee title for habitat lands to an acceptable conservation entity, or recordation of conservation easements; and (2) appropriate management arrangements, including a management plan and an adequate level of funding for management in perpetuity. Habitat areas that are not impacted by a project but not managed in accordance with the HMP must be considered impacted.

3. Stormwater Comments

O-19

- a. Stormwater and other surface and subsurface water runoff is the subject of a new San Diego County program referred to as "Low Impact Development." (LID). This program will be mandatory in the county and impacts local jurisdictions. The current schedule calls for the LID Guidance Manual to be available in July 2007 and the General LID requirements available by January 24, 2008.

LID is a planning strategy with the goal of maintaining or replicating the pre-development hydrological character of a development site. Hydrological functions of storage, infiltration and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of micro-scale storm water techniques.

Comment Letter O – Batiquitos Lagoon Foundation

- O-17 A lighting plan for the area planned for the Resort Hotel would be analyzed during the development application review process. Outdoor lighting proposed with development plans for this area would be reviewed and approved by the City as part of the application review process to reduce potential impacts relative to light and glare.
- O-18 As previously stated, the EIR prepared for the Vision Plan is a Program EIR, and is therefore conceptual in nature, with consideration for the four development applications within the Ponto Area that were filed with the City, prior to the request that an EIR be prepared. Project-level analysis may be required, as determined by the City at the time when future development is proposed. Such analysis would address open space management issues, as applicable, to a particular property at that time.
- O-19 Comment noted. The City will consider the future application and effect of the LID on the Ponto site.

O-19
cont'd

There are direct applications of LID to the Ponto site which will impact the site surface and subsurface runoff design. Carlsbad city planners, engineers and decision makers should be aware of LID and the impact on future projects. The BLF, as an environmental organization focused on the Batiquitos Lagoon and its watershed, is supportive of LID for this and other projects.

O-20

b. Preliminary containment volume and dispersal calculations are questionable due to lack of available design detail. As the report itself states in paragraph 5.10.1.2, such calculations are impossible.

O-21

c. Since storm water effects are cumulative over the entire project area, it will be difficult to ensure overall success of mitigation based upon individual projects. Drainage of this area is generally west and south so absorption schemes implemented on northern properties may saturate land further south making the same type of action ineffective in the southern properties. The only way one could assume no such problem exists is to believe that water delivered to underground dispersal areas is all absorbed 100% vertically. Since there is surface runoff now with all of the surface permeable, that looks unlikely when 2/3 of the area is impermeable surfaces and the density of water injection is increased by a factor of three.

O-22

d. Final outfall for the storm drain system isn't defined. Both the Ocean and Batiquitos Lagoon are left as options. Clearly, the BLF would prefer that the outlet go to the Ocean.

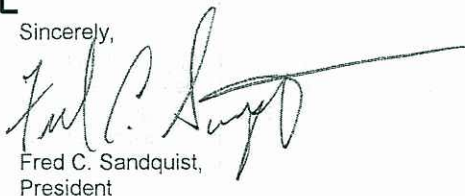
O-23

- e. On the positive side, some good features of this plan are the following:
- On page 5.10-8, "Post Construction BMPs" provides that the developers must maintain BMPs for the life of the project.
 - Section 5.10.3.3 covers general practices which can ensure effective storm water and treatment and control, if strictly enforced.

O-24

In closing, the BLF finds that this EIR requires revision in order to be fully effective and in compliance with CEQA. Specifically, additional detail is needed in some mitigation measures, errors must be corrected, and inconsistencies between the EIR and the Vision Plan must be reconciled. We appreciate the opportunity to review the documents and to provide these comments. We look forward to the public hearings, during which we trust that our comments will be substantively addressed and the deficiencies corrected.

Sincerely,



Fred C. Sandquist,
President

Comment Letter O – Batiquitos Lagoon Foundation

O-20 Comment noted. Refer to Response to Comment O-11 above.

O-21 Comment noted. Refer to Response to Comment O-11 above.

O-22 Comment noted. The City concurs with this comment.

O-23 Comment noted.

O-24 Comment noted.



TRANSMITTAL LETTER

DATE: May 29, 2007
TO: Christer Westman AICP
FROM: Mike Howes AICP
SUBJECT: Ponto Beachfront Village Vision Plan EIR - SCH No. 2007031141

This transmittal accompanies comments on the Ponto Beachfront Village Vision Plan Draft Environmental Impact Report. Please feel free to contact our office if you have any questions or need any additional information.

RECEIVED

MAY 29 2007

CITY OF CARLSBAD
PLANNING DEPT

Jackson|DeMarco|Tidus
Petersen|Peckenpaugh
A L A W C O R P O R A T I O N

May 29, 2007

Direct Dial: 805.418.1908
Email: cbeam@jdtplaw.com
Reply to: Westlake Office
File No: 2294.00206

VIA HAND DELIVERY & U.S. MAIL

Christer Westman, Project Manager
City of Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

RECEIVED

MAY 29 2007

CITY OF CARLSBAD
PLANNING DEPT

Re: Ponto Beachfront Village Environmental Impact Report;
SCH No. 2007031141

Dear Mr. Westman:

We appreciate the opportunity to comment upon the Ponto Beachfront Village Vision Plan Draft Environmental Impact Report and offer the following comments which we request be included in the Final EIR for your consideration (All references are to sections of the Program EIR, where the change is requested):

Intended uses of the EIR

(Page 1-2, Section 1.1 – add above the last paragraph of this Section)

P-1

“Public or private improvements that are either depicted in various exhibits or described in this Program EIR are conceptual in nature. They are subject to further design and engineering analysis and may be modified as a result of such review. The future environmental analysis of public or private improvements are for purposes of CEQA shall be undertaken in compliance with Section 15168(c) of Title 14, Chapter 3 of the California Code of Regulations, the ‘CEQA Guidelines.’”

Existing Development Applications Within the Ponto Development Area
(Page 3-14, Section 3.4 – add bolded language)

P-2

“Conform with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), **applicable Master Plans**, applicable city ordinances, regulations and policies.”

Irvine Office
2030 Main Street, Suite 1200
Irvine, California 92614
t 949.752.8585 f 949.752.0597
708135.1

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
t 805.230.0023 f 805.230.0087

www.jdtplaw.com

Comment Letter P – Howes, Weiler, and Associates

- P-1 Comment noted. Change made as requested.
- P-2 Comment noted. Text is in Section 3.2.8, Project Goals and Objectives (page 3-12) not Section 3.4. Text amended to state “Conform with the City of Carlsbad General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable Master Plans and Specific Plans, resource management plans, and applicable ordinances, regulations and policies.”

- P-3** [**Carlsbad Coast Hotel and Timeshare**
(Page 3-16, Section 3.4.4)
The following text should be added after the first sentence of the second paragraph on page 3-16 "This area is located in the Poinsettia Shores Master Plan which establishes development limits and design criteria for this area."
- P-4** [**Poinsettia Shores Master Plan (MP 175(C))**
(Page 4-4)
The following sentence should be added to the end of the third paragraph on page 4-4 "The Poinsettia Shores Master Plan establishes the development limits and design criteria for these Planning Areas."
- P-5** [**Poinsettia Shores Master Plan (MP 175 (c))**
(Pages 5.11-9)
The following text should be added to the end of the second paragraph on page 5.11-9. "The Poinsettia Shores Master Plan establishes development limits and design criteria for these Planning Areas."
- P-6** [**Poinsettia Shores Master Plan**
(Pages 5.11-16)
The following text should be added after the fourth sentence of the third paragraph on page 5.11-16. "The Poinsettia Shores Master Plan establishes development limits and design criteria for these Planning Areas."

In addition to my requested changes to the text of the Draft Program EIR above, please note my comments below regarding the Carlsbad Boulevard Realignment Alternatives 1 thru 4 as discussed in Pages 2-7 and 2-8, Section 2.6.7, and Pages 5.6-11 and 5.6-12, Section 5.6.3.5, of the draft EIR, and the proposed Carlsbad Boulevard Pedestrian Undercrossing.

- P-7** [I believe that it is premature for the City to adopt a Preferred Alternative Alignment for Carlsbad Boulevard nor validate the functionality of the Pedestrian Undercrossing at this time. The Program EIR in its statement of a "Preferred Alternative" for relocation of Carlsbad Boulevard and proposed Pedestrian Undercrossing does not provide the level of detail of these two facilities, at this time, necessary to consider the potential impacts that may be reasonably assumed from their construction. Such impacts include their functionality from the standpoint of satisfying the goals of the two facilities; the safety of the design alternatives, the noise impacts that may be projected from the alternatives and near term construction impacts (including pedestrian related impacts, and impacts on habitat, if any), related to construction.

A determination of the Preferred alternative of Carlsbad Boulevard and the viability of a Pedestrian Undercrossing should be deferred at this time pending the completion of further design and environmental analyses contemplated by the Program EIR, as a component of the overall project. The Program EIR appears to lack input from stakeholders related to specific

Comment Letter P – Howes, Weiler, and Associates

- P-3** Comment noted. Change made as requested.
- P-4** Comment noted. Change made as requested.
- P-5** Comment noted. Change made as requested.
- P-6** Comment noted. Change made as requested.
- P-7** Comment noted. The EIR considered potential impacts resulting from the realignment of Carlsbad Boulevard. These impacts are identified in Table 6-2. However, as the actual area of disturbance affected by each of the alternate roadway alignments may vary slightly from that shown in Figures 6-1A and 6-1B, additional analysis would be required once final engineering drawings are prepared to ensure that potential impacts to biological resources are accurately identified and mitigated for, as applicable. The alignment selected would also ultimately determine the type and operational hours required for construction equipment, and therefore, associated noise and air quality impacts. Standard measures, such as preparation of a traffic control plan to minimize disruption of traffic flow and pedestrian and bicycle circulation during construction, would be required.

The EIR considered potential impacts from construction of the pedestrian underpass in the overall footprint on the project. Site-specific engineering designs will be required to determine the exact location of the underpass. Further analysis may be required for impacts relative to biological resources, noise, and air quality if the impacts exceed what has been evaluated in the program EIR.

The EIR was distributed to Caltrans and the State Department of Parks and Recreation, as well as other appropriate organizations and agencies, and a Notice of Availability was published to alert the public of the availability of the EIR for public review and comment. Comments received from these agencies are included in Comment Letters B and D and responses are provided. Comments received will be considered in the EIR as necessary to address requests or concerns these agencies identified. Comment received from property owners during the public comment period are also included herein and will be considered in preparation of the Draft EIR.

Mr. Christer Westman
May 29, 2007
Page 3

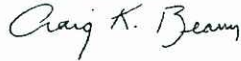
Comment Letter P – Howes, Weiler, and Associates

P-7
cont'd

designs, including input from "Responsible and Trustee Agencies" who would be immediately impacted by these two facilities (i.e., State of California Parks, CalTrans), the easement holders and the property owners.

Thank you for an opportunity to comment on this Draft Program EIR. Please feel free to give me a call if you have any questions or require additional information.

Very truly yours,



Craig K. Beam

CKB:swc

San Pacifico Area "A" Association

9610 Waples Street
San Diego, CA 92121-2992
WWW.NNJ.COM

(858) 550-7900
(800) 448-7601
FAX (858) 550-7929

May 17, 2007

Christer Westman
Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

Re: Draft Environmental Impact Report (EIR)
Ponto Beachfront Village Vision Plan (plan)

The San Pacifico Area A Homeowners Association (Association) submits the following comments to the draft EIR.

Our Association is comprised of about 200 homes on both sides of Avenida Encinas east of the San Diego Northern Railway tracks. Originally the "San Sebastian" and "Santander" developments by ColRich and Greystone/Lennar companies, the homes are now valued at \$1 million or more. Most homes are owner-occupied and there has been little turnover in the neighborhood. We are the closest homes to the area slated for the "Beachfront Hotel" – our homes are on the east side of the SDNR tracks. Our homes north of Avenida Encinas are also across the tracks from the "Residential/Hotel" area north of planned Beach Avenue. We are directly and adversely affected by the development as reflected in the plan.

- Q-1 [The draft EIR is deficient and incorrect in a number of particulars; the proposed mitigation measures are inadequate or simply do not mitigate the harm done.

Impacts

- Q-2 [1. Air quality – construction impacts. The plans for mitigating construction dust are inadequate. "Periodic" watering will not keep our homes and streets from being covered in dust. There are no plans or funds to compensate for this transferred cost (from the developer to us.) Watering should be hourly at a minimum. Our streets should be swept daily by the developer. All dirt transported off site should be covered before truck movement is allowed.
- Q-3 [2. Air quality – long term. The proposed increase in vehicle traffic will create a significant increase in air pollution. No effective mitigation measures are suggested; the increase in vehicular pollution is not even recognized in the EIR.
- Q-4 [3. Biological resources. There is no mention of impacts on peregrine falcons and ospreys, two bird species that live, feed and nest in and near the area to be developed.

Comment Letter Q – San Pacifico Area A Association

Q-1 Comment noted.

Q-2 Federal, state, and local measures have been established to control potential impacts resulting from dust generated during construction activities and would apply to land development within the Ponto Area. Mitigation measures for controlling construction dust are given in Section 5.1.4.1 and represent general standards for addressing this issue. Additional standards have been adopted by the City as part of the General Plan Update Final Master EIR (see Section 5.1.1.2 - Measure 48). These measures would effectively control dust generated during site improvement activities.

In addition, future construction would occur in different locations within the Ponto Area as individuals choose to develop their properties, and therefore, would not affect the entire site at one time. Construction activities would be short-term, and would therefore not result in a permanent disturbance of onsite soils. Landscaping would be installed once improvements on the property are complete, thereby minimizing the potential for dust to be generated.

Q-3 The Air Quality Site Assessment examined air quality impacts potentially generated by implementation of the Vision Plan. Impacts were determined based on the number of vehicle trips generated by the individual land uses proposed for both the near-term and long-term (Year 2030), as demonstrated in Section 5.1.3.2 (see also Appendix B of the EIR). Impact AQ-6 states that there would be a significant air quality impact as the result of vehicle trips resulting from the project at build out. Regional level PM10 and Reactive Organic Gas (ROG) would exceed the San Diego Air Pollution Control District (SDAPCD) threshold under the Year 2030 scenario. Therefore, development of the Ponto Area would potentially result in significant and unavoidable impacts at build out. Although mitigation measures would not reduce potential air quality impacts relative to short-term construction (fugitive dust) and long-term operational emissions (ROG and PM10 emissions) to less than significant, landowners within the Ponto Area would be required to implement the proposed mitigation measures upon site development in order to reduce their project's individual contribution to potential significant air quality impacts. Refer to Section 5.1 of the EIR.

Q-4 Section 4.3 of the BTR (Section 5.2.1 of the EIR) discusses sensitive animal species observed onsite or with potential to occur onsite. Peregrine falcon was observed within the study area by RECON (2003); however,

Comment Letter Q – San Pacifico Area A Association

- Q-5** [The impact of additional people brought to the area is not mentioned. The loss of about 35 acres of disturbed habitat, non-native vegetation, Diegan coastal sage is correctly termed significant. The mitigation proposed is laughable – how can money deposited in a city fund make up for loss of habitat? The answers: (1) trust us and (2) whatever animals live in the habitat will just move elsewhere. This mitigation is patently insufficient.
4. [**Q-6** Water quality. The EIR identified adverse effects during construction. We agree. However, post-construction water quality will be adversely affected as well. Virtually the entire project area is currently unpaved, and rain may be absorbed directly. After the project, virtually the entire area will be covered with buildings and/or pavement, and all water will run off. Unless runoff is directed into the sewer system for treatment, there will be an immediate adverse effect on ocean and lagoon water quality. The increase in pollution attributable to more people, landscape irrigation/fertilization/chemical treatment, cars and pets will all flow into the ocean and lagoon. This impact is significant, unrecognized and unmitigated.
5. [**Q-7** Human activity. The EIR incorrectly states that no new or modified trails beyond existing pedestrian trails are proposed around the lagoon. Wrong. The project envisions a pedestrian bridge over the SDNR tracks to connect the paths in and around the beachfront hotel with existing public trails around San Pacifico. There will be impact from the added pet waste, trash, cigarette butts, and other human leavings on water quality – the trails have no drainage system.
6. [**Q-8** Long-term mobile impacts: noise. The main sources of increased noise will be creating a truck route on Avenida Encinas, increased vehicle traffic in the neighborhood generally and vehicle, human and mechanical noise from the hotels and commercial uses planned. The projected noise increase on Avenida Encinas (with no apparent adjustment to account for the truck route proposal) is +4 dBA, a significant increase. The significant increase is unrecognized and no mitigation is planned. In addition, the mitigation impacts are inadequate; this is recognized because the EIR recommends that the City prepare a Statement of Overriding Considerations.
7. [**Q-9** Traffic. The EIR is unclear and sometimes inaccurate in its explanation of existing roads. It is interesting that although Avenida Encinas is designated as a secondary roadway (two lanes only through our neighborhood) it is nonetheless a planned truck route to protect the new tenants and residents of the project; at our expense.
- Q-10** [In addition, traffic flow will degrade significantly from present levels. Table 5.6-5 shows that traffic flow on streets through and near our neighborhood will degrade from A's and B's to C's and D's. Table 5.6-6 shows that the V/C figures will more than double on Avenida Encinas. This is significant impact and no mitigation is proposed.

this species was not observed by HELIX in 2006. The primary prey of this species is shorebirds. An osprey was observed immediately offsite by HELIX in 2006 as discussed in Table 5 of the BTR (Table 5.2-4 of the EIR). The primary prey of this species is fish. Appropriate foraging and nesting habitat does not occur within the proposed project footprint for these two avian species. As such, no direct impacts would occur to these species. Section 7.3 of the BTR and Section 5.2.4 of the EIR discuss appropriate mitigation measures for indirect impacts to avian species.

- Q-5** The potential impact of additional people in the area as the result of implementation of the Vision Plan is addressed in Section 5.2.3 under "Human Activity." As developed lands are adjacent to the Ponto Area to the north and east, and the site is bordered by heavily traveled Carlsbad Boulevard to the west, increased human activity on the Ponto site is not anticipated to result in significant impacts.

The payment of fees to mitigate offsite for impacts to sensitive habitat is a standard mitigation approach and one that is accepted by both the City and the state and federal wildlife agencies, and is consistent with the requirements of CEQA. The funds would be used to conserve similar habitat offsite (at ratios consistent with those required by the City and applicable resource agencies) for long-term preservation.

Following adoption of the EIR, implementation of the proposed mitigation measures would become requirements for land development within the Ponto Area, fully enforceable by the City and other agencies (as applicable). All future development within the Ponto Area would be subject to the requirement to provide mitigation as proposed in the EIR for impacts to sensitive biological habitat, as applicable. Through these mitigation measures, impacts would be reduced to less than significant.

- Q-6** Section 5.10 of the EIR provides an analysis of the potential impacts to storm water and hydrology as the result of development of the Ponto Area. Best Management Practices (BMPs) are proposed to reduce potential short-term construction and long-term operational impacts from runoff and groundwater, as well as to the adjacent Batiquitos Lagoon. Possible site design BMPs include minimizing the impervious footprint and landscape design; source control BMPs may involve low-irrigation landscape design, storm drain stenciling and signage, and outreach for commercial activities. Treatment control BMPs for the long-term may involve vegetated swales, catch basin/inlet inserts, and infiltration basins

Alternatives

Q-11 [Our HOA recommends adoption of the Increased Residential Use/Open Space Alternative. Condominium development permits the most affordable housing on this incredibly expensive land.

Q-12 [We also question whether a beachfront hotel conforming to Coastal Commission requirement and neighbor concerns can be built in light of the fact that the land is worth over \$40 million. We trust that no high-rise is contemplated. We will vigorously oppose any development that does not strictly conform to the California Coastal Act.

Our HOA recommends adoption of Alternative #1 for the realignment of Carlsbad Boulevard. Alternative #4 may also be acceptable.

Conclusion

Thank you for considering the comments of the HOA. Please feel free to contact us if there are questions or if you need additional information.

Sincerely,



Richard Jabczynski
Community Manager on behalf of
Steven V. Adler
President
San Pacifico Area A Homeowners' Association

cc: Board members (via e-mail)

Comment Letter Q – San Pacifico Area A Association

to allow for the onsite treatment of storm water, prior to such runoff leaving the Ponto Area.

All future development proposed within the Ponto Area would be required to prepare a Storm Water Pollution prevention Plan (SWPPP) as part of application process to identify site-specific BMPs that would allow for onsite treatment of storm water. All development would be subject to the requirements of the Regional Water Quality Control Board (RWQCB) and City of Carlsbad's Standard Urban Storm Water Mitigation Plan (SUSMP) to reduce potential effects from runoff.

Q-7 Comment noted. Refer to Response to Comment Q-4 and Q-5 above.

A fence will be installed along the top of the bluff (with consideration for views to the lagoon and ocean) to reduce the potential for visitors to directly or indirectly effect the existing natural environment. The EIR has been revised to reflect that no new trails are proposed that will provide access to the Batiquitos Lagoon. Signage and adequate trash disposal facilities will be provided along the multi-use trail envisioned to reduce the potential for littering to occur.

Q-8 Noise along Avenida Encinas generated by trucks traveling to and from the Ponto Area was not considered to be significant in the technical noise assessment, due to several factors. Under the "2030 With Project" scenario, noise levels at a distance of 100 feet from the centerline of roadways in the surrounding area (and considered in the noise analysis) are forecast to range from approximately 59.6 to 75.1 dBA. In Table 5.5-9, the "2030 With Project" scenario would result in an increase of 3.2 dBA along Poinsettia Lane between Carlsbad Boulevard and Avenida Encinas and Avenida Encinas to Interstate 5 (I-5) freeway, with traffic volumes increasing from 6,278 trips to 13,200 trips for both segments. However, as noted in Table 5.5-8 for Year 2010 conditions, background traffic volumes along these same segments are 40 to 75 percent higher, and experience the same increase of 6,822 trips. Yet, under Year 2010 conditions, the noise level increase is 1.1 dBA for Avenida Encinas to the I-5, and 2.2 dBA for Carlsbad Boulevard to Avenida Encinas. A primary reason that the segments increased by 3.2 dBA under Year 2030 conditions is that the acoustical model interpreted the traffic volumes as doubling, which roughly leads to a 3 dBA increase. Under the City of Carlsbad Noise Guidelines, an increase of 3 dBA CNEL over existing conditions would result in a significant noise impact. However, as the model has a margin of error of roughly 0.3 dBA, and the higher traffic volumes did not produce a

Comment Letter Q – San Pacifico Area A Association

significant impact under Year 2010, impacts are concluded to be less than significant for Year 2030.

The Ponto Area would be developed over future years and not as a single occurrence, thereby reducing the number of construction vehicles that would be traveling to and from the site at a given time. Temporary noise impacts may occur as the result of project construction and mitigation measures are given in Section 5.5.4 to reduce potential impacts to the maximum extent practical.

Mitigation measures are given in Section 5.5.4 of the EIR to reduce potential noise impacts resulting from stationary sources (i.e. HVAC, pumps, etc.) to less than significant.

Q-9 Comment noted. The EIR was revised where appropriate to describe existing roadways.

Avenida Encinas provides a connection between the Ponto Area and roadways further to the north and east (i.e. I-5 or others within the City of Carlsbad), with Poinsettia Lane and La Costa Avenue also providing access from the north and south to the Ponto Area. Avenida Encinas is currently well-traveled by trucks and other vehicles; however, the road is not specifically designated as a truck route. During the application review and/or permitting process, the City may work with applicants to identify preferred routes for construction traffic to reduce potential disturbance to existing adjacent land uses. However, no specific signage would be installed to designate travel routes for commercial or construction traffic.

Q-10 Comment noted. Table 5.6-6 and 5.6-8 do not identify significant impacts to roadway segments along Avenida Encinas. One roadway segment would be impacted by the proposed project (Westbound La Costa Avenue east of Vulcan Avenue – Year 2030). The LOS for all segments of Avenida Encinas, with and without the Vision Plan (for the existing and year 2030 scenarios), is within acceptable limits.

Tables 5.6-5 and 5.6-7 indicate that significant impacts to La Costa Avenue / Vulcan Avenue and La Costa Avenue / Carlsbad Boulevard would occur with project implementation. Mitigation is proposed and would reduce potential impacts to less than significant. Refer also to Responses to Comment Letters I and DD. Refer also to Response to Comment I-9.

Q-11 No high-rise construction is contemplated. All future development would be subject to City zoning and Coastal Zone restrictions on building height.

Comment Letter Q – San Pacifico Area A Association

All development would be required to conform to the California Coastal Act.

Q-12 Comment noted.



Planning Engineering Fiscal Services Coastal

May 24, 2007

Mr. Christer Westman
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

RECEIVED

MAY 25 2007

CITY OF CARLSBAD
PLANNING DEPT

SUBJECT: Ponto Beachfront Village Vision Plan EIR 05-05

Dear Christer,

The purpose of this letter is to provide comments regarding the Draft EIR for the Ponto Beachfront Village Vision Plan. For ease of review and response, the items in this letter are divided into categories and page numbers are referenced for specific sections. Based on review of the EIR, we have developed the following list of comments:

PROJECT DESCRIPTION

Pg. 3-14 Clarification to project description

R-1

Last paragraph on the page, 3rd sentence should reflect the following:

"In addition, a parking structure, 3 stories above grade is proposed. All structures are proposed within the height limit of 35 feet."

Pg. 3-15 Clarification of paragraph discussing General Plan and Zoning and the northernmost parcel of project

R-2

The northern parcel is identified and described twice, once as being 1.5 acres and then as 1.2 acres. The zoning and general plan designation for that parcel is also discussed twice. To clarify below is a description of the General Plan/Zoning for the property including the 1.5 acre parcel.

The existing General Plan Land Use Designation for the majority of the Hilton Carlsbad Beach Resort is RMH/TR, with approximately 1.5 acres designated just as TR at the northernmost end of the site. The existing zoning designation for the majority of the site is CT-Q/RD-M-Q, with the northernmost parcel designated CT.

Comment Letter R – Bill Hofman

R-1 Comment noted. Change made to text as requested. See page 3-15.

R-2 Comment noted. Change made to text as requested. See page 3-15.

R-2
cont'd

The Poinsettia Properties Specific Plan covers the 1.5 acre parcel at the northern end and the zoning and land use designation for the parcel are as described above.

The proposed project is consistent with the existing General Plan Land Use and zoning and therefore only requires implementing permits.

R-3

Pg. 3-18 Table 3-2 on pg. 3-18 is not consistent with Fig 3.5

Fig 3.5 properly reflects our property boundaries and project. Table 3-2 on pg 3-18 should be updated to be consistent with Figure 3.5.

HAZARDOUS MATERIALS

Pg 2-24, 5.4-3 & 5.4-10 Underground Storage Tanks –Mitigation Measure H-6

R-4

Through a public records review, the EIR consultants identified the subject property 7204 Ponto Drive in a number of UST regulatory databases. The EIR states that there was no official removal/closure letter was obtained for the property. As noted in the EIR, in each of the databases, there is discussion of the tanks and a note on their reported removal. The records for the property in the Department of Health clearly state that the tanks were removed and that upon removal of the tanks, no leakage was found and that the tanks appeared to be in decent condition. This information would support the fact that the tanks had been removed. Upon further research and discussion with the DEH, they have confirmed that the tanks were removed and cite the Tank Removal/Closure Report as evidence. This tank removal/closure report is included with the comment letter and is signed by the Hazardous Materials Specialist with the Department of Health (DEH). Based on the receipt of this letter, the mitigation measure requiring a Phase II/III for the property should be removed.

TRAFFIC/CIRCULATION

Pg. 2-31 & pg 5.6-13 Mitigation Measure T-2

R-5

The mitigation measure for the La Costa/Carlsbad Blvd states widen the north leg to include two left turn lanes and two through lanes. The left turn lane(s) on Carlsbad Blvd at La Costa are on the *south* leg.

R-6

The identified intersection is not within the city limits of Carlsbad, but rather within City of Encinitas to the south. How can the City of Carlsbad include the improvements with the City's Capital Improvement Plan if it is not within the City? Has the City communicated with City of Encinitas to determine if Encinitas has included the intersection within its own Capital Improvement Plan?

Comment Letter R – Bill Hofman

R-3

Comment noted. Change made to table as requested. See page 3-19.

R-4

Comment noted. The mitigation measure has been removed and the text revised as necessary. See pages 5.4-3 and 5.4-10.

R-5

The "north leg" of the intersection refers to the portion of the intersection to the north of La Costa. The southbound portion of the north leg would be widened to include two left turn lanes connecting to eastbound La Costa and two through lanes continuing southbound on Carlsbad Boulevard.

R-6

Comment noted. Please see Response to Comment I-9.

Pg. 2-31 & pg 5.6-12 Mitigation Measure T-1

- R-7 [The identified intersection is not within the city limits of Carlsbad, but rather within City of Encinitas to the south. How can the City of Carlsbad include the improvements with the City's Capital Improvement Plan if it is not within the City? Has the City communicated with City of Encinitas to determine if Encinitas has included the intersection within its own Capital Improvement Plan?

PUBLIC FACILITIES - SEWER

Pg. 5.12-14 Sewer Facility Alternatives

- R-8 [There is a third alternative the City is considering as an interim measure. A temporary private lift station would provide sewer for the Hilton Carlsbad Beach Resort until the time in which development to the south occurs and the gravity flow system can be constructed.

Pg. 5.12-14 Minor text correction regarding Figures

- R-9 [Under section 5.12.10.3 Environmental Impact on pg. 5.12-14, the Figures 5.13-5 and 5.13-7 are referenced and according to the actual figures, the figure numbers should be 5.12-6 and 5.12-7.

AIR QUALITY

Pg. 2-12 & 5.1-18 Mitigation Measure AQ-6

- R-10 [The first bullet point on the page cites:
"Commercial and retail business shall schedule operations during off-peak travel times; adjust business hours; and allow alternative work schedules; telecommuting."
• The wording of 'shall' should be replaced with "should be encouraged"

BIOLOGICAL RESOURCES

Pg. 2-16 & 5.2-17 Mitigation Measure B-3

- R-11 [The description of this mitigation measure is inconsistent when considering sentence 1 with sentence 3 & 4. Mitigation should allow grubbing, grading and clearing if the findings of sentences 3 & 4 are made.

Comment Letter R – Bill Hofman

- R-7 Comment noted. Please see Response to Comment I-9.
R-8 Comment noted. The City is not considering a third alternative for sewerage the Ponto area. The gravity flow system is the preferred alternative.
R-9 Comment noted. Change made as requested. See page 5.12-14.
R-10 Comment noted. Change made as requested. See page 2-12 and 5.1-18.
R-11 Comment noted. Text revised consistent with the Biological Technical analysis to address restrictions on the timing of grading, grubbing and clearing activities. See page 2-17 and 5.2-18.

NOISE

Pg. 2-29 & 5.5-12 Mitigation Measure N-3

R-12

The first sentence of the mitigation measure refers to "Final Development Plan" approval. This term should be more specific to Carlsbad permits as it could be interpreted in different ways. Typical for discretionary approval, a preliminary noise study might be required, but subsequent studies would come later in the process.

R-13

Pg. 2-30 & 5.5-13 Mitigation Measure N-4

The term "Final Development Plan" approval is used again. This term should be more specific to Carlsbad permits as it could be interpreted in different ways.

CARLSBAD BOULEVARD ALIGNMENT

Inconsistency of Alignment 4 description

R-14

The description provided for Alignment #4 is inconsistent throughout the document as shown below:

- Pg. 2-8 & 6-27 state that Alternative #4 is the same as Alternative #1 for the portion south of Beach Way

But then....

- Pg 3-21 (Table 3-3) & pg 6-30 (Table 6-2) depict that Alternative #4 is the same as Alt. 2 & 3 for the factors of 'Effect On Vegetation' & 'Traffic Signal Operation'

Pg. 6-24 Alignment Alternatives

R-15

General clarification of the alignments is necessary, especially with the inclusion of Alignment #4. Alignments 1-3 shift the southbound lanes to the east. It is unclear where this shift actually occurs as none of the exhibits depict the area north of proposed Beach Way. Based on the alignment 1-3 exhibits, it would seem clear that the shift of the southbound lanes east would occur in the area depicted – between Avenida Encinas and future Beach Way.

R-16

Pg 6-27 Alignment 4

The EIR states that alignment #4 is designed to connect with the roadways recently improved with Hanover Colony.

Comment Letter R – Bill Hofman

R-12

Comment noted. Mitigation N-3 revised for clarification. See pages 2-32 and 5.5-13.

R-13

Comment noted. Mitigation measure N-4 revised for clarification. See pages 2-33 and 5.5-14.

R-14

Comment noted. EIR revised to reflect the same impacts to biological resources and same traffic signal operation as Alternative #1. Refer to Table 3-3 and Table 6-2.

R-15

Comment noted. With Alternatives 1-3, no changes to the roadway are proposed north of Beach Way. Language was added to the alignment descriptions to clarify this. Refer to Section 6.9 of the EIR.

R-16

Comment noted. Alignment #4 was considered as an alternative for realignment of Carlsbad Boulevard and represents one of four alternatives that the City considered in the EIR analysis. In addition, the Vision Plan and EIR evaluate a conceptual plan to guide future development and identify opportunities for the Ponto Area and associated improvements. As such, Alternative #4 may or may not be selected as the preferred alignment. Costs and physical improvements would be considered by the City at the time an alignment is selected. The analysis in the EIR is intended to identify the potential environmental impacts that would result from each alignment to aid in the City's ultimate selection of one (or none) of the alternatives.

R-16
cont'd

It should be noted that Alignment #4 is not the intended extension of the recent roadway improvements in front of Hanover Colony. Alignment 4 would require the removal of a substantial amount of the recently improved landscaped median and curb & gutter along Carlsbad Boulevard, north of Ponto Drive. In addition, the existing intersection and landscaped median in front of the northern Vision Plan boundaries would also require reconfiguration.

The Poinsettia Properties Specific Plan, which covers the Hanover Colony development and the northern parcel of the Vision Plan, states that frontage improvements would not be required if an alignment for Carlsbad Boulevard was not approved. The frontage improvements were required as a condition of approval of the tentative map for that project; therefore the alignment for that stretch of Carlsbad Boulevard which extends south of Ponto has been approved.

If it was the intention of the City to follow Alignment #4, the improvements previously undertaken with Hanover Colony would have reflected the temporary nature of the improvements through the use of AC berm rather than complete landscaped median, curb, gutter and sidewalks. Based on City Council Resolutions 99-513 and 2001-116, the City has paid \$560,000 to place the road where it is today.

R-17

The vision plan did not consider the 4th alignment; it came about during the EIR process. Based on the information provided above, it was not the City's intent to move the northbound lanes of Carlsbad Blvd. as now proposed in Alignment #4.

We are formally submitting the above comments regarding the Ponto Beachfront Village Vision Plan EIR. If you have any questions or need clarification of the comments listed, please feel free to contact me.

Sincerely,



Bill Hofman
Hofman Planning & Engineering

Comment Letter R – Bill Hofman

R-17 Comment noted. As required by Section 15126.6 of CEQA, the EIR must consider reasonable alternatives to the proposed project. The addition of Alternative #4 for the roadway alignment of Carlsbad Boulevard was an additional alternative that was developed and considered during the course of preparation of the EIR. The alternative does not change the Vision Plan, and simply provides an additional alignment for consideration and environmental analysis as compared, to the proposed project. Any of the four alignments for the roadway are being considered and evaluated by the City at this time.

HAZARDOUS MATERIALS MANAGEMENT DIVISION
UNDERGROUND TANK REMOVAL/CLOSURE IN PLACE REPORT

1. # H 17155
2. # AT1242

TE NAME _____ PHONE _____
ADDRESS 7204 Ponte Dr. Carlsbad ZIP _____
INTRACTOR Arvin 462-4102 PHONE _____
of Tanks _____
removal ☒ Closure in Place ☐

1. Tank ID #
2. U/L #
3. Capacity (Gallons)
4. Material Stored (D)
5. Decontamination:
Manifest Available?
6. Tank Inerting: (CGIROS)
Dry Ice/Nitrogen (Qty)
7. Tank Condition (Holes)
8. Condition of Back Fill/Type
9. Condition of Native Soil/Type
10. Odors From Excavation?
11. Pooled Product?
12. Ground Water Contamination
13. Pipeline Leak Evident?
14. Reinspection Required?
15. Reinspection Receipt Available?

Tank 1	Tank 2	Tank 3	Tank 4	Tank 5
(1)	(2)	(3)	(4)	(5)
Gas	Diesel	Diesel	Diesel	Diesel
Yes				
(A)				
0%	0%	0%	0%	0%
200	50	50	50	50
(C)	(D)	(E)	(F)	(G)
Sand				
Sand				
NO				
NO				
NO				
NO				
NO				
NO				

☒ YES FIRE AGENCY ☐ NO
FIRE AGENCY PERMIT # _____
JURISDICTION Carlsbad FID
PHONE _____
C.G.I. Yes

REMARKS:
(A) cleaned by Petro
Trans. Co. # 87636443,
Petro Recycling
Corp. 3625 gal Diesel,
Oil & Gas Mixed
(B) Storage Containers Unknown
Gas or Diesel or Oil
(A) Manifest # 87884424,
cleaned by Trid →
Dawson/Neckern, 36 gal
(C) Good condition
(D) Good condition - overfill
standards, in pit
(E) Good condition
(F) Good condition
(G) Good condition
from
Trucking
truck

NOTICE: You are hereby notified that on 12/9/88, Susan Rose, Hazardous Materials Specialist, conducted an inspection for the removal and/or closure in place of storage tanks. A summary of conditions found is noted as follows:

☒ No indication of soil or groundwater contamination apparent this date. Excavation may be backfilled.

☐ The conditions noted below must be reported and corrected in accordance with Chapters 6, 5 and 6.7 of the California Health and Safety Code and Chapters 9 and 10 of the San Diego County Code.

☐ Hazardous substance/waste is pooled in the excavation. Immediately take steps to remove the pooled hazardous liquid from the excavation. This liquid is a hazardous waste that shall be properly transported, under manifest, by a licensed hazardous waste hauler to a licensed recycling or disposal facility.

☐ Contaminated soil and/or contaminated groundwater is suspected in the excavation. Determining the extent and impact of this contamination and completing any required clean-up is the responsibility of the tank owner/operator. Within 5 work days, the tank owner/operator or his agent must submit a written UNAUTHORIZED RELEASE REPORT to the Department of Health Services that includes all of the following information that is known at the time of filing the report:

- a. Describe the type, quantity and concentration of the hazardous substance released.
- b. Provide the results of all investigations completed at this time to determine the extent of soil, groundwater, or surface water contamination due to the release.
- c. Describe the method of cleanup implemented to date, proposed cleanup actions, and approximate costs of actions taken to date.
- d. Indicate the method and location of disposal of the released hazardous substance and any contaminated soils or groundwater or surface water. (If any contaminated soil/water is hauled off-site, include copies of the hazard waste manifests).
- e. Include the tank operator's name and telephone number, the name and telephone number of any consultants retained, and a projection of the proposed activity schedule.

Subsequent mitigation actions will be discussed upon review of the submitted Report and consultation with other appropriate agencies.

Received by S. Rose Hazardous Materials Specialist
Phone # 619-462-4102
County of San Diego
Department of Health Services
HMD - P.O. Box 05261
San Diego, CA 92161-5261

Comment Letter R – Bill Hofman

HAZARDOUS MATERIALS MANAGEMENT DIVISION
UNDERGROUND TANK REMOVAL/CLOSURE IN PLACE REPORT

EST. # H 17455
P.L. # AT 1342

SITE NAME _____ PHONE _____
ADDRESS 7204 Parke Dr Carlsbad ZIP _____
CONTRACTOR Arredo PHONE 462-4102

of Tanks 7
Removal ☒ Closure in Place ☐

	Tank 1	Tank 2	Tank 3	Tank 4	Tank 5
1. Tank ID #	(G)	(I)			
2. U/L #					
3. Capacity (Gallons)	550	550			
4. Material Stored	See (G) →				
5. Decontamination:	Yes →				
Manifest Available?	See (G) →				
6. Tank Inerting: (CGIRS)	0%	0%			
Dry Ice/Nitrogen (Qty)	10	10			
7. Tank Condition (Holes)	(H)	(I)			
8. Condition of Back Fill/Type					
9. Condition of Native Soil/Type					
10. Odors From Excavation?					
11. Ponded Product?					
12. Ground Water Contamination					
13. Pipeline Leak Evident?					
14. Reinspection Required?					
15. Reinspection Receipt Available?					

REMARKS:
H Good condition
No holes seen
Good condition
No holes seen

NOTICE: You are hereby notified that on 1/1, Hazardous Materials Specialist conducted an inspection for the removal and/or closure in place of hazardous substance underground storage tanks. A summary of conditions found is noted as follows:

☒ No indication of soil or groundwater contamination apparent this date. Excavation may be backfilled.

☐ The conditions noted below must be reported and corrected in accordance with Chapters 6.5 and 6.7 of the California Health and Safety Code and Chapters 9 and 10 of the San Diego County Code.

☐ Hazardous substance/waste is ponded in the excavation. Immediately take steps to remove the ponded hazardous liquid from the excavation. This liquid is a hazardous waste that shall be properly transported, under manifest, by a licensed hazardous waste hauler to a licensed recycling or disposal facility.

☐ Contaminated soil and/or contaminated groundwater is suspected in the excavation. Determining the extent and impact of this contamination and completing any required clean-up is the responsibility of the tank owner/operator. Within 5 work days, the tank owner/operator or his agent must submit a written UNAUTHORIZED RELEASE REPORT to the Department of Health Services that includes all of the following information that is known at the time of filing the report:

- Describe the type, quantity and concentration of the hazardous substance released.
- Provide the results of all investigations completed at this time to determine the extent of soil, groundwater, or surface water contamination due to the release.
- Describe the method of cleanup implemented to date, proposed cleanup actions, and approximate cost of actions taken to date.
- Indicate the method and location of disposal of the released hazardous substance and any contaminated soils or groundwater or surface water. (If any contaminated soil/water is hauled off-site include copies of the hazard waste manifests).
- Include the tank operator's name and telephone number, the name and telephone number of any consultants retained, and a projection of the proposed activity schedule.

Subsequent mitigation actions will be discussed upon review of the submitted Report and consultation with other appropriate agencies.

- REFER TO REVERSE SIDE FOR ADDITIONAL INFORMATION/REQUIREMENTS -

Received by R. Stowers S. J. [Signature] Hazardous Materials Specialist
Phone # 619-462-4102
County of San Diego

DANIEL W. DOWNING

6580 Red Knot Street, Carlsbad, California 92011

Cell: (760) 802-5623 • Residence: (760) 918-0773 • ddowning@roadrunner.com

Christer Westman
Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

Dear Christer,

I am writing in reference to EIR 05-05 (SCH #2007031141) concerning the Ponto Beachfront Village Plan. I have reviewed the EIR and the Plan and have a concern about water usage and percolation which I have detailed below.

The Plan provides drawings that indicate a very water intensive landscaping scheme. This means that a large amount of water will percolate into the soil in an area that has not been irrigated before. See image 1. This is a similar situation that happened a few years ago with the Poinsettia Cove and Hannover Beach Front developments, along with the large amount of turf planted to landscape along Carlsbad Boulevard. See image 2.

I have observed the result of this heavy irrigation at the base of the bluffs at the beachfront below the new housing developments. There are now numerous, constant trickles of water flowing from the cliffs. See images 3 through 6. These rivulets were never present before the irrigation started on the top of the bluffs. I strongly believe that the irrigation is the source of the water flow at the bottom of the bluffs. I also believe the saturation of the soil adds to the erosion of the bluffs. According to the EIR, saturated earth also adds to the danger of liquefaction of soil during earthquakes. I believe that water seepage from irrigation could have been a contributing factor to the recent catastrophic bluff failures causing property damage and death in Encinitas, where homes with water intensive landscaping have been on the bluffs for much longer.

The Ponto Beachfront Village Plan has no mention of water conservation, this is a serious oversight. In addition, Environmental Impact Report has a full evaluation of storm water runoff from paved areas, however it has no analysis of the affect of irrigation on the groundwater and bluff erosion.

The EIR should not be approved until it can be ensured that irrigation can be reduced to a level that will not affect bluff erosion and liquefaction. I am hoping to hear back from you soon.

Sincerely,

Daniel W. Downing

Daniel W. Downing

Comment Letter S – Daniel Downing

S-1 The Vision Plan provides a conceptual illustration of future development envisioned in the Ponto Area, and does not represent actual landscaping that would be proposed with development of individual properties. All future development within the Ponto Area would be subject to City regulations pertaining to landscaping and irrigation requirements, as applicable at the time that an application is submitted to the City for review. A landscape plan would be prepared for each development project and reviewed by the City to ensure conformance with requirements given in the City's Landscape Manual.

As stated in the Geotechnical Hazards Analysis (Appendix H of the EIR), the coastal beach bluffs of Carlsbad State Beach are in excess of 200 feet to the west of the Ponto Area. The bluffs are up to 50 feet in height, with gradients at some locations steeper than 1:1, and are composed primarily of sandstone material.

The assumption that water seepage from onsite irrigation would result in bluff failure is considered to be speculative, as no supporting evidence is available. The potential for such failure to occur is considered to be low given that, as stated in the Geotechnical report, groundwater seepage was not observed on the face of the slopes surrounding the Ponto site. In addition, erosion of the bluffs is naturally-occurring and it cannot be assumed that "the saturation of the soil adds to the erosion of the bluffs." Based on the dense condition of the onsite soils and the apparent absence of near surface groundwater, the hazard with respect to liquefaction is considered low. Additionally, other seismic shaking related soil hazards, such as seismically induced settlement and lateral spread, are also considered to be low.

S-2 All future development within the Ponto Area would be subject to applicable City regulations pertaining to landscaping and irrigation requirements, as applicable at the time that a development application is submitted to the City for review. It is anticipated that reclaimed water would be utilized for landscaping purposes; however, this issue would be addressed by the City at the time of review of individual Landscape Plans, required as part of a development application for all land ownerships.

In addition, a Storm Water Management Plan (SWMP) will be required for all future development within the Ponto Area to address storm water design on a site-specific basis to ensure that runoff in the form of water used for irrigation is properly treated before it leaves the site or enters into

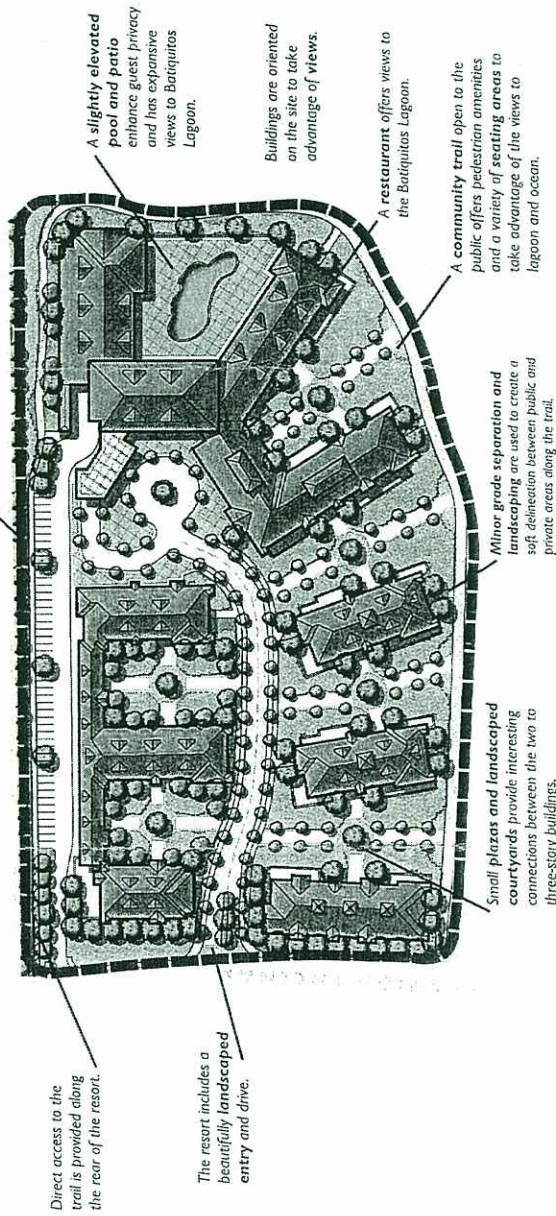


Beachfront Resort

An attractive, upscale resort anchors the south end of the Ponto Beachfront Village and creates an attractive landmark for the southern gateway to Carlsbad. The resort, a combination of hotel lodging and timeshare, with a full-service restaurant, meeting facilities and publicly accessible retail, is well integrated into the Village and includes a wide public trail on the perimeter of the grounds. Hotel guests also have convenient access to shops and restaurants in the Mixed Use Center.

Perimeter trail links to regional trail system and provides a crossing over the railroad tracks.

The upscale resort provides some guest and employee parking in a small rear lot, while the majority of parking is located underground.



CHAPTER 2 - PAGE 6

image 1

Comment Letter S – Daniel Downing

S-3

the groundwater. If determined necessary based on site-specific characteristics at the time development is proposed, measures shall be taken to reduce the potential for erosion to occur.

Comment noted.

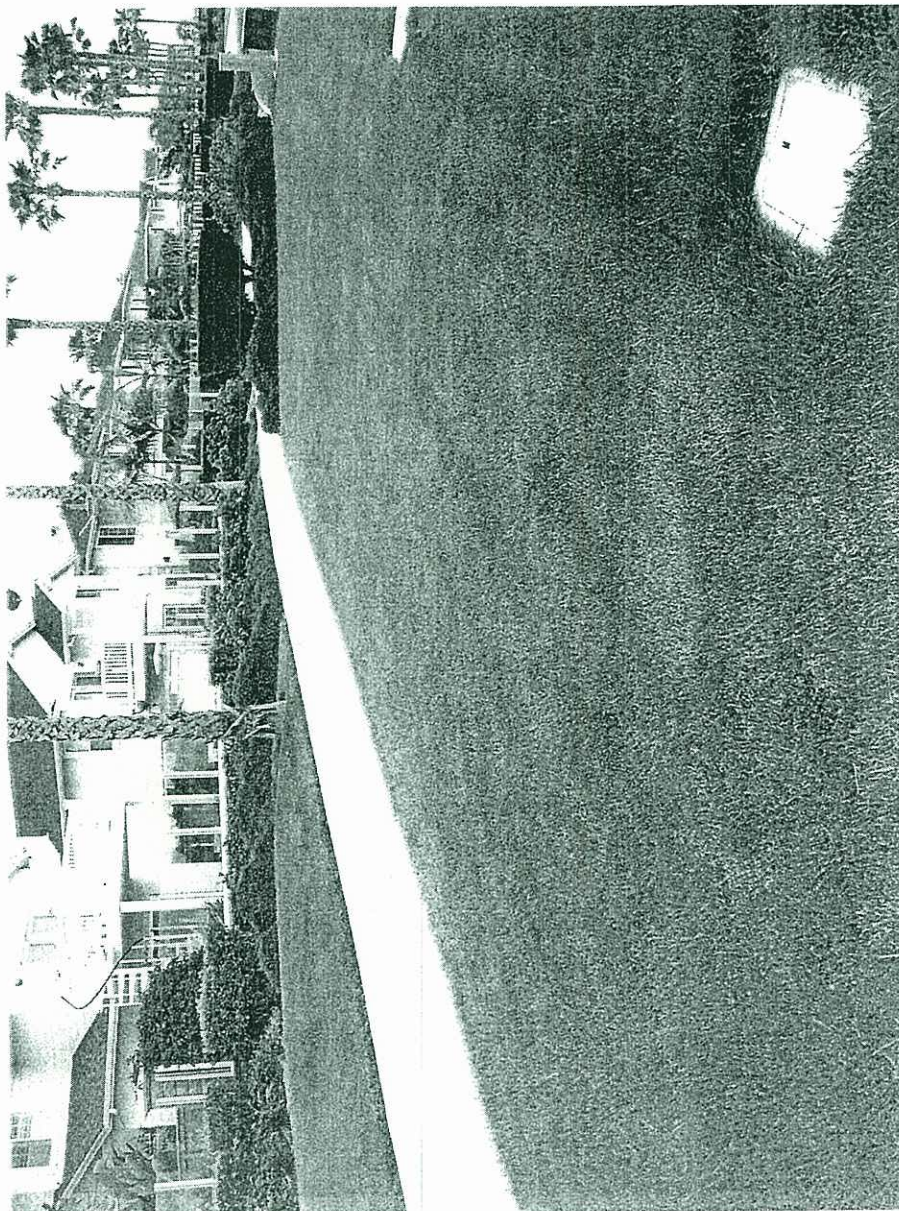
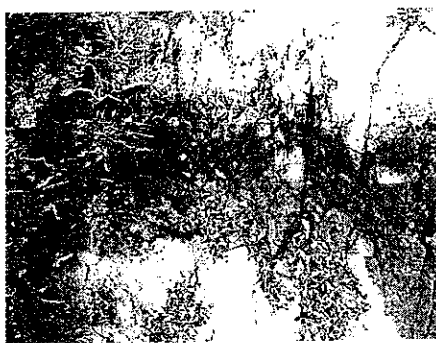
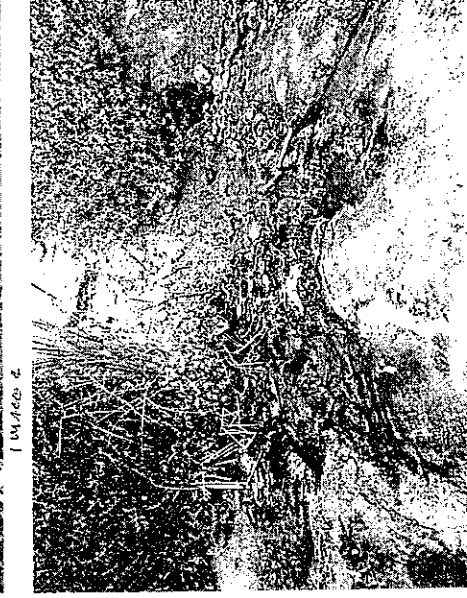


Image 2



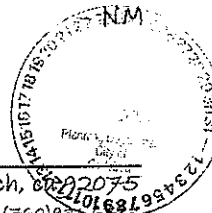
VICTOR E. RAMIREZ & ASSOCIATES
ATTORNEY AT LAW

P. o. Box 1255 Solana Beach, CA 92075

Telephone: (760) 931-6821

Fax: (760) 931-6533

Epublitedvocate@earthlink.net



VIA U.S. MAIL

May 22, 2007

City Of Carlsbad
Planning Department
Ponto Beachfront EIR
1200 Carlsbad, Village Drive
Carlsbad, California 92008

Re: Objection to the Ponto Beach Front Plan

Dear Sir/Madam:

I am an owner of home at 7110 Leeward Street in the Hanover Beach Colony, a member of the Homeowners Association, which directly adjoins the proposed development.

T-1

I read the findings of the EIR Report, which verify that the proposed development will have a very serious negative impact on Air Quality, Traffic and Noise on the existing home owners and land users near the development.

I am opposed to the City of Carlsbad going forward with the Plan as proposed for the Ponto Beachfront Village. The reason is based upon the following:

T-2

- 1) The lack of transition space (buffer) between the Hanover Beach Colony Home development and the planned Hotel. Hanover Beach Colony is a community of 112 homes that have a total assessed value of approximately 120 Million dollars and have proven to have positive impact on South Carlsbad and the nearby beaches.

A modification of the plan should require that the Hotel entrance should be set to enter from Carlsbad Blvd (101) and not Ponto Drive. Further all delivery entrances and other entrances should be oriented from the South Side of the Hotel adjoining the other commercial development and not Ponto Drive. This

Comment Letter T – Victor E. Ramirez and Associates

T-1 Comment noted.

T-2 Comment noted. Mitigation Measure N-4 has been amended (N-4b) to require that all future development within the area designated for the Garden Hotel must be buffered from Ponto Road and landscaped to shield the use from adjacent residential areas; refer to Section 5.5.4.3 of the EIR. The buffer shall be provided adjacent to the property boundary within areas zoned as Commercial-Tourist (CT) to distance future land uses from existing adjacent residential uses.

Mitigation Measure N-3 of the EIR has also been amended (N-3b) to restrict the main driveway and service entrances to the area designated for the Garden Hotel from being located across from Hanover Beach Colony; refer to Section 5.5.4.2 of the EIR. Therefore, such entrances would not be located opposite from the existing residential areas.

T-2
cont'd

way the commercial traffic is taken out of the neighborhood of Hanover Beach Colony and put where it should be adjoining other commercial properties.

- 2) The project is over sized for the infrastructure that is proposed and that which is already in place. The Hotels should be reduced from 750 rooms to no more than 450 rooms total and the number restaurants outside of the Hotels should be reduced from 10 to 5.

T-3

The over size of the project is what has led to the Traffic Projections of 15,165 day trips for the area being developed and the adjoining areas. By simply reducing the size of the project you would have a positive effect on reducing the number of day trips in the area thereby reducing traffic congestion and reduce the negative Air quality impact from such a large project.

The reduction in the number restaurants outside of the Hotels being reduced to no more than 5 would also reduce the negative impact of the project natural gas impact on air quality.

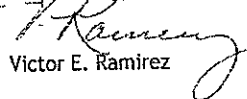
T-4

My wife and I have enjoyed living in the City of Carlsbad and we recognize that property owners should be given a reasonable right to use their property to prosper. The Ponto Beach Village development plan is an unreasonable use of the subject properties and will negatively impacts South Carlsbad as it is proposed. A smaller and more boutique sizing of the project would benefit the community and allow the landowners to prosper with there use of their property. Solana Beach's Cedros project demonstrates what boutique size Projects really do work for a community.

T-5

The EIR finding on the impact on Air Quality, Traffic and Noise compel a no vote on the project unless it is greatly reduced in size and is oriented away from existing single family residences at Hanover Beach Colony.

Respectfully,


Victor E. Ramirez

Comment Letter T – Victor E. Ramirez and Associates

T-3

As discussed in the Vision Plan and Vision Plan EIR, infrastructure improvements are proposed to improve traffic circulation in the area. With the improvements proposed, traffic impacts resulting from future development of the Ponto Area would be reduced to less than significant.

Based on the uses proposed with the Vision Plan, and with consideration for the development applications that have been submitted to the City, the air quality analysis did not identify a future impact from natural gas on air quality.

T-4

Comment noted.

T-5

Comment noted. Refer also to Response to Comment T-2 above.

From: <renata@bexenpress.com>
To: <Planning@[205.142.109.13]>
Date: 5/31/2007 8:47:48 AM
Subject: CITY OF CARLSBAD | CONTACT US

A visitor to the City of Carlsbad Web site has completed and posted the "Contact Us" form to department, Planning.

FOR SECURITY REASONS, DO NOT CHANGE THE SUBJECT LINE.

Below, please find the information that was submitted:
Sorry, this didn't go through the other day

Received: from [4.241.220.234] by web55311.mail.re4.yahoo.com via HTTP;
Tue, 29 May 2007 11:56:01 PDT
Date: Tue, 29 May 2007 11:56:01 -0700 (PDT)
From: Renata Breisacher Mulry <renata@bexenpress.com>
Subject: Ponto -- attn Christer Westman
To: Planning@[205.142.109.13]
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="0-1814780040-1180464961=:54252"
Content-Transfer-Encoding: 8bit
Message-ID: <739951.54252.qm@web55311.mail.re4.yahoo.com>

--0-1814780040-1180464961=:54252
Content-Type: text/plain; charset=iso-8859-1
Content-Transfer-Encoding: 8bit

Re: EIR 05-05 Ponto Beachfront Village Vision Plan

Reading the Executive Summary for your δVisionδ Plan, Ponto Beachfront Village, the conclusions drawn in the DEIR are unacceptable.

U-1 [Please note you call the project Ponto Beachfront. We are not talking about property adjacent to a freeway off-ramp or a deteriorating strip mall. Rather, this massive, overdeveloped project is adjacent to the most scenic beach area in Carlsbad.

U-2 [The project design is completely unsuitable for its site. Public park areas, beach access, and recreation are so minimal (1/2 acre linear park) to be essentially non-existent.

U-3 [The public in this city wants open space, not another hotel. The public wants an open, accessible beach area, with good views of the lagoon, not obscured by a luxury hotel serving a few tourists.

Renata Breisacher Mulry
Bexen Press
PO Box 130215
Carlsbad, CA 92013
760-929-0609

Renata Mulry

renata@bexenpress.com
Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.7.12) Gecko/20050915 Firefox/1.0.7
4.241.223.61

Comment Letter U – Renata Mulry

U-1 Comment noted. The Vision Plan recognizes the importance of the Ponto Area, both historically and visually in terms of the beachfront location, the location along a scenic corridor, and as the southern entry point into the City of Carlsbad.

Without the Vision Plan, or a similar plan to guide future development of the Ponto Area, the individually owned properties could be developed as allowed under the existing zoning and General Plan land use designations. The Vision Plan provides a guide and an overall vision for future development within the Ponto Area. In addition, design guidelines are proposed to achieve a visual cohesiveness between future uses and create a special sense of character for the area as a unique destination within the City of Carlsbad. However, the Vision Plan does not promote or encourage growth within the Ponto Area and recognizes that individual land owners may choose not to develop or redevelop their lands at any time in the future. The EIR provides an analysis of potential impacts that could result from future development and offers mitigation to reduce such impacts to less than significant, or to the extent feasible (i.e. air quality) to protect the character and the existing resources of the Ponto Area in the short-term and for years to come.

U-2 Comment noted. The Vision Plan envisions a number of active and passive recreational resources including a linear park along Carlsbad Boulevard, an interpretive wetland center, improved parking access to the state beach, a link to the regional trail system, a boardwalk trail and multi-use path among other on- and offsite trails, a community nature/arts center, plazas, courtyards and pedestrian spaces.

In addition, with adoption of the amendment to the City's Zone 20 LFMP, sufficient existing and projected parkland was identified through buildout of the Southwest Quadrant in which the Ponto Area is located. To ensure the continued provision of parkland within the District and conformance with LFMP performance standards for Zones 9 and 22, landowners within the Ponto Area would be required to pay Park-in-Lieu fees and Public Facilities Fees for the financing of parks at the time development is proposed, as no additional dedication of parkland is required.

U-3 Comment noted. The Vision Plan envisions construction of a pedestrian underpass under Carlsbad Boulevard to facilitate public access to the state beach. Refer also to Response to Comment N-2. The Vision Plan also envisions that a 10-12 foot-wide trail along the southern perimeter of

Comment Letter U – Renata Mulry

the Ponto Area, which will be accessible for public use and will provide views of the Batiquitos Lagoon.

ROY SKAFF
CERTIFIED PUBLIC ACCOUNTANT
527 MERIDIAN WAY
CARLSBAD, CALIFORNIA 92009
TELEPHONE (760) 476-0960
FAX (760) 931-8863



May 9, 2007

Mr. Christer Westman
City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

Re: Ponto Beachfront Village Vision Plan
Case No. EIR 05-05 (SCH#2007031141)

Dear Mr. Christer,

This letter is in response to the **NOTICE OF COMPLETION OF DRAFT ENVIRONMENTAL IMPACT REPORT** issued by the Planning Department concerning the above-referenced case.

It was our hope that we could have viewed a summarized report from the executive committee which would have presented, in understandable terms, a more descriptive illustration of the Environmental Impact Report (EIR) as opposed to the extremely complicated form that we were able to observe over the internet from the website provide by the Planning Department.

V-1 Fortunately we were able to obtain and understand most of the details provided by that portion of the EIR covering the construction period issues that will ensue during that phase of the plan. However, the complexity of the EIR, in its present form, simply precludes our understanding of the post-construction issues impacting those concerns that are so important to all of us such as traffic, density, noise pollution, air pollution, and other environmental issues that have been expressed at the various meetings held by the city council.

V-2 In light of the above, we are simply not in a position to approve the plan in its current unexplained, complex form and, in that regard, we are protesting the implementation of this plan until we have been provided with information from which we can make an intelligent decision.

Very truly yours,

Roy Skaff

Rosalie Skaff

Comment Letter V – Roy and Rosalie Skaff

V-1 The EIR provides a summary of the technical reports prepared. The technical details are included in the appendices to the EIR. The EIR was made available for review and comment at the City of Carlsbad during the 45-day public review period, and a contact person was identified to provide answers to the public if questions arose. The form that was made available on the Internet was a standard form prepared by the City of Carlsbad for the purposes of gathering public input on a project. Any questions or requests for information can also be directed to Christer Westman, Project Manager, at the City of Carlsbad at (760) 602-4614 or cwest@ci.carlsbad.ca.us, as stated in the Notice of Completion of an EIR that was posted.

As identified in the Environmental Impact Assessment Form - Initial Study prepared for the Ponto Vision Plan (released for 45 day public review period in June 2006), development of the Ponto Area would result in potentially significant impacts (post-construction) relative to agricultural resources, geology and soils, hydrology and water quality, land use and planning, public utilities and services, air quality, biological resources, cultural resources, hazards and hazardous materials, noise, traffic and circulation, and visual resources. Consistent with the requirements of CEQA, the EIR evaluated potential project impacts and determined that future development of the Ponto Area would result in significant impacts relative to air quality, biological resources, cultural resources, hazards and hazardous materials, noise, traffic and circulation, and visual resources. As required by CEQA, the EIR proposes mitigation measures to reduce the environmental impact of the future development of the Ponto Area to less than significant, or to the extent feasible (i.e. air quality impacts, see Section 5.1 of the EIR). Therefore, the EIR addresses potential post-construction project impacts relative to traffic (Section 5.6), density (Section 5.11), noise pollution (Section 5.5), air pollution (Section 5.1) and other environmental issues, and provides measures to reduce such impacts.

V-2 Comment noted.

Dale E. Ordas
Mediator-Arbitrator- Lawyer- SB #38140
Ordas Alternative Dispute Resolution Services
300 Carlsbad Village Dr., Ste 108A #324, Carlsbad, CA 92008
Tel (760) 431-7795 (760) 613-9387mobile (760) 431-9065 Fax
Dale@DROrdas.com <http://www.ordas.com>

RECEIVED

MAY 16 2007

CITY OF CARLSBAD
PLANNING DEPT

May 16, 2007

Christer Westman
Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

Re: Draft EIR 05-05 (SCH # 20007031141)
Ponto Beachfront Village Vision Plan

Dear Mr. Westman:

W-1

The Environmental Impact Report (EIR), dated April, 2007, prepared by RBF Consulting at the request of the City of Carlsbad following hearings on the Ponto Beachfront Village Vision Plan, while impressive in girth, is lacking in substantive analysis of the impact this project will have on the San Pacifico COA. This community consists of 454 homes. While there are a substantial number of San Pacifico residents who are favorably inclined to responsible development of the area, no one wants to have a project of this magnitude in our backyard that does not deal effectively with traffic volume increases, noise, air quality, water quality, waste, preservation of open space and protection of local treasures such as Ponto Beach and Batiquitos Lagoon.

W-2

The Ponto Beachfront Vision Plan is a very concentrated development of 50 acres. It includes a combination resort hotel and timeshare, two hotels, townhouses, apartments and three restaurants. These include 161 condominiums/apartments/townhouses, 790 hotel rooms, 22,000 square feet of office space and 41,000 square feet of specialty retail space.

The gist of the EIR is that there will be no greater impact on the environment under this plan than there would be without it, because there is no guarantee that the area will remain undeveloped. Then, using the assumption that it will be developed, the EIR magically concludes that the Vision Plan will be less onerous to the environment than the preparer's projections for what could be built there.

W-3

Traffic: San Pacifico straddles Avenida Encinas, which is four lanes at Poinsettia and narrows to two lanes as it proceeds west through the community. The sole traffic control device on Avenida Encinas as it runs through the community is a stop sign at the intersection with Portage Way/Marlin Lane.

Comment Letter W – Dale E. Ordas

W-1 Comment noted.

W-2 Comment noted. The EIR recognizes that implementation of the Vision Plan will alter the Ponto Area from (generally) undeveloped land to developed land. In this sense, the EIR considers a "plan to ground" analysis, recognizing the land uses that are currently on the ground, as compared to that which would result with implementation of the Vision Plan. The EIR analyzes the potential impact of the project from this standpoint, with consideration for the physical resources that are currently associated with the site, as well as non-tangible issues such as visual quality and community character. For example, the biological analysis considers the existing conditions onsite, then analyzes the potential impacts caused by the development footprint of each of the proposed land use areas. In addition, the visual analysis provides an assessment, both written and through visual simulations, to describe the existing visual characteristics of the site, as well as at post-development. The noise and air analyses consider the existing conditions and traffic generated for the site as well as surrounding area roadways, to determine potential direct and cumulative impacts resulting from development of the Ponto Area. Therefore, the EIR considers potential environmental impacts resulting from future development of the Ponto Area, as compared to existing conditions on the ground.

In order to determine potential traffic impacts, the traffic analysis makes certain assumptions based on land uses proposed with the Vision Plan. The traffic analysis considers the land uses proposed, and estimates the trips potentially generated at buildout of the Ponto Area. This is relevant because regional traffic models are based on current General Plan designations.

Future development of private ownerships within the Ponto Area would be allowed to occur in the future under the existing General Plan land use and zoning designations, if the Vision Plan and EIR were not approved. The uses proposed with the Vision Plan are consistent with the City's LCP approved for the area which proposes visitor-serving uses, mixed-use development fronting on Carlsbad Boulevard, and hotel and timeshare uses. Approval of the Vision Plan itself would not directly result in the development or redevelopment of the Ponto Area. Rather, the Plan provides guidance for future development that would not exist if the Plan were not adopted. The Vision Plan envisions the intended land uses at a particular density and provides design features that integrate the overall design, rather than allowing individual ownerships to be developed

Comment Letter W – Dale E. Ordas

independently without consideration for the character of other lands within the Ponto Area.

W-3 Comment noted. Refer to Response to Comment W-2 above.

As the Vision Plan provides a "vision," some assumptions were made as to what the ultimate development of the site would be for areas where no development application has been submitted to date in order to determine traffic trips generated. In addition, specific features (i.e. number of units, hotel rooms, residential units, etc.) included in the four development applications within the Ponto Area that are on file at the City were considered in determining traffic trips generated by the project (refer to Section 3.4 of the EIR). Once the number of trips anticipated to be generated by future development of the Ponto Area was identified, based on the anticipated land uses, impacts on the surrounding roadway system were evaluated, and mitigation was proposed.

The purpose of the Vision Plan EIR is to consider future development anticipated on the Ponto site, and to evaluate potential traffic impacts and propose mitigation measures to reduce impacts to less than significant. The EIR is intended to be of an adequate scope to allow for individually owned lands within the Ponto Area to be developed at a time in the future when so desired by the owner, without preparation of an additional EIR. Some site-specific environmental analyses that cannot be performed at this time (such as hydrology, design features to reduce noise levels, etc.) due to lack of a final design, would be performed during the future application review process to ensure that appropriate measures are implemented to reduce potential effects of future development. If a future land use is proposed that exceeds the project scope analyzed in the Vision Plan EIR, additional environmental documentation would be required to address potential impacts and proposed mitigation to reduce potential impacts to less than significant.

W-4 Based on the existing conditions, anticipated trip generation and trip distribution, the Traffic Analysis did not identify a significant impact on Avenida Encinas. Within the vicinity of the site, the existing level of service (LOS) at Avenida Encinas/Carlsbad Boulevard is LOS A during the peak a.m. and peak p.m. hour; the LOS at Avenida Encinas/Poinsettia Lane is LOS A during the peak a.m. and LOS B during the peak p.m. hour. In addition, Avenida Encinas operates at LOS A from Cannon Road to Carlsbad Boulevard.

W-3
cont'd

The Vision Plan forecasts traffic increases from the build-out of the vision plan to 12,407 ADT and predicts that the traffic increases would be 15,408 ADT if the Vision Plan were not built.

This same rhetorical legerdemain was employed in the EIR. Implicit in this fallacious approach is the assumption that a conjectured development of the area will occur at some time in the future and no EIR will be required.

W-4

Another anomaly in the report is that it discusses the significant impact that will occur at the intersection of La Costa and Vulcan, which has the same limited capacity for vehicles as Avenida Encinas. There is no analysis of the adequacy of Avenida Encinas to accommodate the influx of construction equipment, trucks and commercial vehicles that the project will generate during construction. Further, there is no meaningful analysis of the effects of traffic generated by commercial enterprises in this project on Avenida Encinas, nor is there an assessment of the impact on homes along Avenida Encinas with bedrooms next to this street.

W-5

Widening La Costa to four lanes is proposed because it lacks the capacity to handle projected traffic flows. Only a left turn lane for northbound Avenida Encinas at Carlsbad Blvd. is proposed. Since two-lane Avenida Encinas intersects with Ponto Drive, a proposed entry to the project, it will be one of two roads for access to this development. During construction, large earth moving equipment using this entry will force San Pacifico residents to take alternate routes. With the same limited capacity for traffic as La Costa, Avenida Encinas cannot handle the traffic that will be generated by this project without widening as proposed for La Costa, which would be problematic at best.

W-6

Further, when the City Council decided that an all-way stop sign should be installed at Portage Way/Marlin Lane and Avenida Encinas, they also said that there should be a feasibility study for a traffic signal at that intersection. When the Council later voted to have the EIR prepared, Council members assured San Pacifico that a traffic signal at this intersection would be re-examined. The EIR proposes that Avenida Encinas be designated a "commercial truck route," but there is no mention of a traffic signal. With the increase in traffic volume that will be generated by the build-out of this Vision Plan, a traffic signal at that intersection will be essential. It would smooth the flow of traffic, while the existing stop sign would become a bottle neck and increase traffic noise.

W-7

Pollution from this development has not been adequately addressed in the EIR. During construction there will be dust generated, which will not be confined to the project and the adjacent streets, but will likely drift onto the homes of San Pacifico. This will not be removed by sweeping the streets adjacent to the land being developed. The assertion that construction will be halted to reduce dust and noise is unrealistic and contrary to contemporary practice in the construction industry.

W-8

Noise pollution will occur from earth moving equipment, delivery trucks and machines during construction. Following completion there will be noise from HVAC, pumps, blowers, truck deliveries, tour buses, amplified music and traffic. This has not been

Comment Letter W – Dale E. Ordas

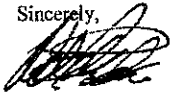
**W-8
cont'd** adequately addressed. San Pacifico noise levels will be exacerbated rather than mitigated by designating a "commercial truck route" along Avenida Encinas to route traffic away from the Ponto Area.

W-9 **Parking** for the vehicles of people going to this development is not discussed other than the reference to street parking and parking structures. Since the parking structures are likely to charge for parking, cost conscious tourists visiting the area are likely to attempt to park for free in neighboring San Pacifico. They will be aided in doing so by the proposed pedestrian bridge. The result will be an unacceptable burden on San Pacifico homeowners.

W-10 **Open space** in this project is remarkable in its absence. The thrust of the EIR is that this dense-pack project is somehow better than open space.

W-11 **Visual esthetics** of three-story parking garages and three hotels in close proximity to the wetlands area of Batiquitos is jarring to say the least. While the homeowners of San Pacifico are painfully aware of the fact that their precious views of the ocean may not exist forever, it seems like rubbing salt in the wound to substitute a massive parking garage for the ocean.

Sincerely,



Dale E. Ordas

Deo

With implementation of the Vision Plan, the intersection of Avenida Encinas and Carlsbad Boulevard would continue to operate at LOS A during the peak a.m. and peak p.m. hours. Avenida Encinas at Poinsettia Lane would operate at LOS A during the a.m. peak hour, and LOS C during the p.m. peak hour. In addition, Avenida Encinas from Cannon Road to Carlsbad Boulevard would continue to operate at LOS A with the project. Therefore, impacts would be less than significant.

For the near term analysis (year 2010), the intersection of Poinsettia Lane/Avenida Encinas would operate at LOS C and LOS D in the a.m. and p.m. peak hours, respectively, with or without the Vision Plan. The intersection of Carlsbad Boulevard/Avenida Encinas would operate at LOS B in the a.m. and p.m. peak hours, respectively, with or without the Vision Plan. In the near term, Avenida Encinas from Cannon Road to Carlsbad Boulevard would continue to operate at LOS A with or without the project. The intersection of Ponto Drive/Avenida Encinas would operate at LOS C in the peak a.m. and peak p.m., respectively, without the project and LOS C and LOS D in the peak a.m. and peak p.m., respectively, with the project; however, LOS D would be an acceptable level of service, and no significant impacts on Avenida Encinas would occur.

Similarly, for the year 2030, the intersection of Poinsettia Lane/Avenida Encinas would operate at LOS C for the peak a.m. and LOS D in the peak p.m. with or without the Vision Plan. Without the Vision Plan, the intersection of Carlsbad Boulevard/Avenida Encinas would operate at LOS A in the a.m. and p.m. peak hours, respectively; with the Vision Plan, the intersection would operate at an acceptable LOS B in the a.m. and p.m. peak hours. The intersection of Ponto Drive/Avenida Encinas would operate at LOS A and LOS B in the a.m. and p.m. peak hours, respectively, without the Vision Plan; the intersection would operate at an acceptable LOS C in the a.m. and p.m. peak hours with the Vision Plan. Avenida Encinas from Cannon Road to Carlsbad Boulevard would continue to operate at LOS A with or without the project.

Therefore, no significant impacts would occur to the above intersections or roadway segments along Avenida Encinas, as described above. Refer to Appendix G of the EIR for the traffic analysis.

Short-term construction impacts would be addressed through preparation of a traffic control plan to minimize disruption to traffic flow and address issues of safety. In addition, the Ponto Area would be developed over

Comment Letter W – Dale E. Ordas

future years and not as a single occurrence, thereby reducing the number of construction vehicles that would be traveling to and from the site at a given time.

Noise along Avenida Encinas generated by trucks coming to and from the Ponto Area was not considered to be significant in the technical noise assessment, due to several factors. Future development of the Ponto Area would occur over time, rather than all of once, and in varying locations on the site. Delivery truck trips along Avenida Encinas would be in addition to existing vehicle traffic, which consists of trucks, cars and other vehicles. The addition of truck traffic generated by the Ponto Area is not considered to significantly increase noise levels along the roadway, as trips would be dispersed throughout the day. The City may work with future applicants to identify preferred routes of travel for construction vehicles during the application review process or at the time of permitting; however, signage identifying Avenida Encinas or any other project roadway as a commercial truck route would not be installed.

Mitigation measures are given in Section 5.5.4 of the EIR to reduce potential noise impacts resulting from stationary sources (i.e. HVAC, pumps, etc.) to less than significant or to the maximum extent feasible.

W-5 Based on the existing conditions, anticipated trip generation and trip distribution, the Traffic Analysis did not identify a significant impact on Avenida Encinas. Development of the Ponto Area would occur over future years at the time when a landowner elected to do so. Therefore, construction activities would occur over time and in varying areas of the property, thereby affecting different roadways providing access to the property. Short-term construction impacts would be addressed through preparation of a traffic control plan to minimize disruption to traffic flow and address issues of safety. Refer also to Response to Comment W-4 above.

W-6 The Traffic Analysis did not identify significant impacts along Avenida Encinas as the result of future development of the Ponto Area. In response to previous comments received from the public, the City of Carlsbad has evaluated traffic at this location and determined that it did not meet the minimum requirement or warrants for signalization. Therefore, a traffic signal is not required at this location. Refer also to Section 5.6, Traffic and Circulation, and Section 7.0, Long-term Effects, of the EIR.

Comment Letter W – Dale E. Ordas

- W-7 The mitigation measures given in the EIR are standard measures typically applied to reduce potential impacts as the result of construction-generated dust and have been proven to be effective. Upon approval of the EIR, the mitigation measures would become Conditions of Approval, and all future development would be required to conform to the mitigation requirements to reduce potential impacts to less than significant.
- W-8 Refer to Response to Comment W-4 above.
- W-9 Adequate onsite parking will be provided with the future development of individually owned lands within the Ponto Area, consistent with the City of Carlsbad parking standards. As such, visitors to the area would not be expected to park offsite within the surrounding neighborhoods. Public parking for the State Beach is currently provided along Carlsbad Boulevard; additional parking would be provided in this area with implementation of the Vision Plan and proposed improvements to the roadway. Private onsite parking would be available for guests staying at the hotel or timeshares.
- W-10 Although designated Open Space is not envisioned as part of the Vision Plan, the Plan does envision a number of features that would provide opportunities for active and passive recreation. These features include a community trail system and a wetland interpretive park adjacent to the onsite wetlands that would provide an additional outdoor public area for meeting or relaxing. In addition, a pedestrian walkway under Carlsbad Boulevard would provide enhanced access to the State Beach for additional outdoor recreational opportunities. The Increased Recreational Amenities / Green Space Alternative is also considered in Section 6.8 of the EIR that would provide a linear public park along the southern boundary of the Resort Hotel area.
- Refer also to Response to Comment U-2.
- W-11 All future development within the Ponto Area will be subject to City height restrictions for the appropriate zone designation and per the Coastal Zone. As noted in the EIR, landscaping and landform modification would reduce views of the parking garage from offsite locations. Refer to Section 5.7 of the EIR for additional discussion.

From: <cgpowell@hotmail.com>
To: <Planning@[205.142.109.13]>
Date: 5/28/2007 11:16:52 AM
Subject: CITY OF CARLSBAD | CONTACT US

A visitor to the City of Carlsbad Web site has completed and posted the "Contact Us" form to department, Planning.

FOR SECURITY REASONS, DO NOT CHANGE THE SUBJECT LINE.

Below, please find the information that was submitted:
Re: Ponto Project

X-1 I strongly disagree with plans for large hotels that will block many Carlsbad resident's view of the white water and block ocean views for other.

X-2 The large hotels you are suggesting will add more than that 15,000 extra cars to the neighborhood already crowded roads. That means more gas fumes, more stop lights, more stop signs, and far less neighborhoods. Is tax money all you think about?

X-3 If Carlsbad can afford to buy the State Farm building and leave it empty, why can't Carlsbad afford to buy this land and develop a much needed ocean-side park for its residents to use. The only green grass park is near the Sea Wall Walk area.

Signed, A Very Concerned Carlsbad Citizen

cgpowell@hotmail.com
Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.0; YPC 3.2.0; .NET CLR 1.1.4322)
76.199.86.178

Comment Letter X – cgpowell@hotmail.com

X-1 Comment noted. All development within the Ponto Area will be subject to City height restrictions for the appropriate zone designation and per the Coastal Zone limitations. In addition, the hotel uses are consistent with land use intended for the property under the existing zoning and General Plan land use designations. Future development would be required to be consistent with the scenic corridor design guidelines and design measures proposed in the EIR to minimize the potential for visual impacts to occur; refer to Section 5.7 of the EIR.

X-2 Comment noted. The Vision Plan provides a guide for future development of the Ponto Area. Please see Section 5.6 of the EIR for an analysis of potential traffic impacts. Traffic mitigation is proposed to reduce potential traffic impacts to less than significant.

In addition, the Vision Plan provides a guide for development that would create an overall visual cohesion for the Ponto Area. The Plan provides design guidelines to create a unique visual and architectural character and strong sense of place, while providing a balance of tourist-serving and neighborhood uses. Six distinct character areas or "neighborhoods" would be developed consistent with the intent of the Vision Plan and with respect for existing surrounding neighborhoods. Future development would also be consistent with applicable guidelines for the scenic corridor to create a sense of arrival and place. Refer to the Vision Plan and Section 5.5 of the EIR.

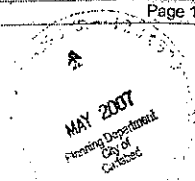
X-3 Comment noted. A portion of the Ponto Area was established as a redevelopment district in the year 2000 and is therefore intended as an area for future development, not as undeveloped land for public use. As land within the Ponto Area is privately owned, the individual land owners have the right to develop their properties as allowed by the City under the existing zoning and General Plan land use, if the Vision Plan is not approved. The uses proposed with the Vision Plan are consistent with the City's Local Coastal Program approved for the area which proposes visitor-serving uses, mixed-use development fronting on Carlsbad Boulevard, and hotel and timeshare uses.

The purchase of land within the Ponto Area for use as a public park is not an environmental issue to be analyzed as required by CEQA; instead, such funding for acquisition of land for a public park would need to be considered as an action by City Council. Discussion of a new alternative (Increased Recreational Amenities / Green Space Alternative), which

Comment Letter X – cgpowell@hotmail.com

considers an open area for public use, has been added to Section 6.8 of the EIR. See also Figure 6-6 of the EIR for an illustration.

From: Bill Lambert <bill_jeannelambert@yahoo.com>
 To: <Cwest@ci.carlsbad.ca.us>
 Date: 5/25/07 11:14 PM
 Subject: PONTO EIR



Mr. Westman and Carlsbad City Leaders and Elected Officials,

Y-1

My neighbors and I have conclusively decided that the development slated for the bluff portion of the Ponto EIR next to the Batiquitos Lagoon is unacceptable as proposed. It will cause parking and traffic congestion and there was no mention (in the EIR that I could locate) of the increased crime rate that surely would result as a development of this stature is constructed.

Y-2

This plan needs to be amended to be more environmentally suitable. We would consider the support of an upscale luxury resort hotel, but not another lousy timeshare. Change your plans or be prepared for a long and drawn out battle that will not go away anytime soon.

Carlsbad Resident and Homeowners,
 Bill and Jeanne Lambert

Choose the right car based on your needs. Check out Yahoo! Autos new Car Finder tool.

Comment Letter Y – Bill and Jeanne Lambert

Y-1

Comment noted. Refer to the analysis in Section 5.6 of the EIR and Responses to Comment Letters I and DD regarding traffic issues.

Adequate onsite parking will be provided with the development of individually owned lands within the Ponto Area, consistent with the City of Carlsbad parking standards. As such, visitors to the area would not be expected to park offsite within the surrounding neighborhoods. Public parking for the State Beach is currently provided along Carlsbad Boulevard; additional parking would be provided in this area with implementation of the Vision Plan and proposed improvements to the roadway. Private onsite parking would be available for guests staying at the hotel or timeshares.

The proposed timeshare / hotel use is allowed on the property under the existing zoning and General Plan land use designations. An increase in crime is not anticipated due to future development of the site. Although human activity would increase in the area, a direct relationship between increased visitation to the Ponto Area and crime would be speculative. In addition, this is not an environmental issue and therefore, is not required to be addressed in the EIR per CEQA.

Y-2

Comment noted.

From: Peg Crowley <idelmargo@yahoo.com>
To: Christer Westman <Cwest@ci.carlsbad.ca.us>
Date: 5/25/2007 5:50 PM
Subject: Re: The Ponto Vision Plan EIR

Christer Westman and the City of Carlsbad,

I wish to lodge several oppositions and objections to the Ponto Beachfront Village Vision Plan EIR for some of the following reasons:

Z-1

1. I wish to go on record to again state the following complaint which I had previously registered at prior hearings on the subject...I find that there is a **CLEAR CONFLICT OF INTEREST** in the hiring of the same firm (RBF Consulting) which produced and developed the Ponto Beachfront Village Vision Plan to conduct and perform the Ponto Beachfront Village Vision Plan EIR. This engineering firm has a *vested interest* in seeing that the Ponto Beachfront Village ~~is~~ developed as this firm, RBF Consulting, is projected to handle and oversee all of the engineering for The Ponto Beachfront Village Development, thus benefiting financially and therefore standing to make a substantial profit should the EIR find in favor of development or conversely standing to lose a substantial sum of money should the Ponto Beachfront Village Development not come to fruition. Therefore, RBF Consulting would be considered to be financially motivated to reach the obvious conclusion that the Ponto Beachfront Village Vision Plan EIR did which is in favor of development as proposed (with some minimal mitigation). To me this practice is highly suspect at best and legally and morally egregious at worst and the City of Carlsbad should be held accountable for proceeding to use the same engineering firm for the EIR that originally developed the Ponto Beachfront Village Vision Plan which was so openly and adamantly opposed by many members of the community in the first place. *I feel that this EIR is not particularly valid based upon this clear breach of ethics and conflict of interest alone.*

Z-2

2. Taking into consideration (hypothetically) that this had been a valid EIR, here are the additional objections I would lodge - namely, the area of the greatest concern to me is the southern most portion of the development, the ocean front bluff which lies on the Pacific Coast Highway and is adjacent to Avenida Encinas. This (approximately 5 acre) parcel is "The Gateway to the Community of Carlsbad" and as such will remain so for decades and centuries into the future. Do we really need a 3 story Timeshare built out to the maximum legal limits with a 3 Story above ground parking structure to be our signature for the future?

The tiny town of Del Mar with a much smaller budget and population than Carlsbad has a spectacular bluff front park utilized for countless weddings, family and corporate celebrations. The City of Del Mar revitalized the adjacent Powerhouse Park for the same purposes and utilize this beautiful bluff and adjacent park as a source of revenue for all of the events that are continually scheduled there without having felt compelled to develop this very pristine ocean front gem into a concrete Timeshare monstrosity such as proposed in the Ponto Beachfront Village Vision Plan.

Also another very small city in comparison to Carlsbad, The City of Solana Beach is spending millions of dollars currently on the redevelopment of Fletcher Cove in order to allow it for decades and centuries to come to be enjoyed by the public as a spectacularly preserved oceanfront community park instead of erecting a Timeshare.

Comment Letter Z – Peggy Crowley

Z-1 Comment noted. RBF previously prepared the Vision Plan and is preparing the EIR, which are two related, but separate documents; however, RBF is not providing engineering services for future development of the Ponto Area, nor are there any future plans for RBF to provide such services.

As stated in both the Vision Plan and EIR, future development of the Ponto Area will occur over time when individual landowners choose to develop their properties. Landowners will be required to prepare the required materials and submit an application to the City for review and approval. Each landowner will be individually responsible for selecting an engineer for site improvements at the time when such activities are required.

RBF is preparing the EIR in the interest of the City, and as directed by City staff, and is not working independently in evaluating potential project impacts and providing mitigation to reduce such impacts to less than significant. There are no contracts between RBF and the owners of any properties within the Ponto Area. There is no conflict of interest or breach of ethics in this matter and RBF does not stand to gain financially from implementation of the Vision Plan. The EIR is consistent with the requirements of CEQA and is a valid environmental document.

Z-2 The EIR is consistent with the requirements of CEQA. The EIR identifies potential project impacts to resources, evaluates such impacts, and provides mitigation to reduce impacts to less than significant, as applicable. All development proposed on the southern most parcel would be consistent with City zoning and height requirements, as well as restrictions established for development within the Coastal Zone. If a 3-story parking garage is constructed on the parcel, additional measures such as landscape screening could be provided (as stated in Section 5.7.4.1 of the EIR) to reduce potential public views of the garage from offsite locations.

Development of the southern most site with the proposed use would be consistent with the existing underlying zoning and land use designations. In addition, development of this site with the hotel/timeshare use would be consistent with that identified in the Vision Plan. The proposed use would also be consistent with the City's Local Coastal Program approved for the area which proposes visitor-serving uses, mixed-use development fronting on Carlsbad Boulevard, and hotel and timeshare uses.

Z-2
cont'd

The City of Encinitas extensively developed the property located at Vulcan and Encinitas Blvd. as an Ocean View community park to remain in perpetuity and The City of Encinitas is working continuously to redevelop and make community friendly the Moonlight Beach area, not to mention the gorgeous off leash Dog Park that the City of Encinitas has provided to the community just off of San Elijo Drive with panoramic ocean views...but they would have made more money putting a Timeshare there, wouldn't they?

My point is that basically every city located on the coastal corridor in North County San Diego has established a beautiful and substantial community park for everyone and anyone to be able to come and enjoy with the clear exception of The City of Carlsbad. And please, the patch of grass at Carlsbad Blvd and Cannon is laughable (don't even call it a park, barely anyone even uses it because it is so ugly and so exposed to traffic). for that matter, if you want to erect a 50 story Timeshare there I would be in favor, but **NOT THE LAST BASTION OF OCEANFRONT BLUFF FRONT UNDEVELOPED PROPERTY THAT IS THE GATEWAY TO THE COMMUNITY...WHAT ARE YOU THINKING?**

Okay, so the City (of Carlsbad) will likely respond that they are "over budget" on the golf course project and have no funding to obtain this available (I might add), parcel of land. Well my comments are as follows, the (highly over budgeted) golf course project is a heinous waste of taxpayer money!

Why not take a poll and see how many people who are property owners and/or residents in the City of Carlsbad actively play golf? I am certain that it would amount to a minimal fraction of the overall total number of residents who reside in this city. Now, how many people who reside in the City of Carlsbad could go to an ocean front park and sit in a gazebo and watch the dolphins catch the waves at sunset, oh, I don't know, nearly 100%?!!!!!!!!!!!!

How outlandish then that you (The City of Carlsbad) are wasting copious sums of taxpayer dollars on something that only a fraction of the residents will EVER use or even step foot upon, while turning your back on what every other North County Coastal City has preserved for their communities and the communities to come, a spectacular bluff front park? The City of Carlsbad's political leaders should be ashamed of themselves.

The City could put forth a bond if necessary to preserve this small parcel of land. The City of Carlsbad should feel obligated to obtain this small available parcel and plan to make it a community park for all members of the community to enjoy **FOREVER!!!!!!!!!!!!!!!!!!!!**

Z-3

3. Historical Use and Parking: How do these two subjects fall into one category? Well, historical use is a legal term and precedent. In my understanding it states that a piece of land, although owned by a private party, if the use of the land is abandoned by the private party and the public makes use of the privately owned land without the objection of the private property owners then there is an established "historical use" of record. Satellite pictures dating as far back as satellite pictures have been recorded clearly indicate that this parcel of land in question (the ocean bluff front portion of land in the southern most portion of the proposed development from Avenida Encinas south along the Pacific Coast Highway to the Bataquitos Lagoon) have been used, without any objection on the part of the private property owners, as a)An area to park cars while guests and residents alike go to the beach, b)An area to walk, c)An area to jog, d)An area to exercise pets, e)An area to fly model airplanes, f)An area to go to watch the sunset, g)An area to take off in experimental aircraft such as motorized para-gliders and for other uses I am certain. **THE SATELLITE PICTURES SHOW (Go To Google Maps and type in Reeve Road, Carlsbad, CA 92011 and then press the Satellite icon or, more importantly, go to Chapter 1, page 5 of your Ponto Beachfront Village Vision Plan) THAT THERE ARE CLEARLY DEFINED MARKED DESIGNATED PATHS ALL OVER THIS PARCEL IN PARTICULAR WHICH**

Comment Letter Z – Peggy Crowley

With adoption of the amendment to the Zone 20 Local Facilities Management Plan (LFMP), sufficient existing and projected parkland was identified through buildout of the Southwest Quadrant. To ensure the continued provision of parkland within the District and conformance with LFMP performance standards for Zones 9 and 22, developers within the Ponto Area would be required to pay Park-in-Lieu fees and Public Facilities Fees for the financing of parks, as no additional dedication of parkland is required.

The Vision Plan also envisions an approximate 4-acre linear park along the west side of Carlsbad Boulevard. The public park would offer a multi-use path, picnic tables, and benches, among other amenities. In addition, the Vision Plan proposes a wetland interpretive park, combined with other public areas for active and passive recreation, linked by a variety of walkways and trails for recreational purposes. These amenities would be available for public use.

Z-3

The land affected by the Ponto Vision Plan is comprised of a number of private ownerships. Although the historic public use of this parcel (as described) may have occurred without the current owner prohibiting or restricting public use of the property, this historic use does not constitute an established formal use. No judicial determination of prescriptive easement rights that would affect the property has been made to date.

Z-4

As stated above, the subject property is under private ownership. Fencing the boundaries of one's property is a common act and is an allowable action. Fencing the subject property simply defines the boundary and prevents trespassers onto the land.

Adequate onsite parking will be provided with the development of individually owned lands within the Ponto Area, consistent with the City of Carlsbad parking standards. As such, visitors to the area would not be expected to park offsite within the surrounding neighborhoods. Public parking for the State Beach is currently provided along Carlsbad Boulevard; additional parking would be provided in this area with implementation of the Vision Plan and proposed improvements to the roadway. Private onsite parking would be available for guests staying at the hotel or timeshares; however, the Vision Plan would not restrict public parking. In addition, the pedestrian underpass would be available for public use to travel between the Ponto Area and Carlsbad State Beach.

Z-5

See Response to Comments Z-3 and Z-4 above. Fencing of the property does not take away public or community rights to use the property, as the

Z-3
cont'd

ESTABLISH THE PARCEL AS A PUBLICLY ENJOYED PIECE OF LAND VIA 'HISTORICAL USE'.

This relates to Item # 2 in so far as this area should be designated as a park because "historical use" has determined that it has been used as such for DECADES!

Z-4

How does this relate to parking?

Well, The Coastal Commission will not allow the adjacent area, San Sebastian to lock the gates of the community, thus allowing any visitor to park within the limits of the community any time. However, after the parcel in question was taken back by the bank within the past year from the former owner, the City of Carlsbad along with The California Coastal Commission have allowed the parcel to be completely gated and locked off from the public in order to try to stem the growing tide of residents asserting their rights to "historical use" of the land.

How is it that one piece of land **CANNOT** be gated or locked to the public but the other parcel just adjacent to it can? Hmnn???? (Can you say "collusion")?

1

If that parcel is allowed to be developed into a Timeshare, then as it stands, the public will be allowed to park within San Sebastian and given that public parking and beach access will be limited to the guests of the Timeshare then the public will be forced to park along the residential streets within San Sebastian. Was this negative impact taken into consideration in the EIR? How do you plan to mitigate for that?

Z-5

And again, how about the issue of "historical use?" Why is it that The City of Carlsbad and The California Coastal Commission, two political powers that are supposed to protect and uphold the rights of the public and the community at large have joined forces to try to change the precedent of "historical use" and to keep the public off of a parcel of land which they have used and visited for decades if not centuries? Please answer that!

Z-6

4. Pollution: With the density proposed for a multi-storied Timeshare there will be increased pollution to the surrounding community in the form of run-off of pesticides and insecticides to keep the landscape of the area maintained which will adversely affect the local water table not to mention the untold damage to the adjacent lagoon and bird sanctuary. And pollution in the form of human waste will be increased dramatically.

Z-7

5. Noise: Trucks coming and going at all hours of the day and night to make deliveries and pick up garbage will cause a great deal of noise pollution to the surrounding environment and again, what will that disturbance of increased and excess volume of noise (not to mention the high density artificial lights to illuminate such a large proposed structure) will have on the delicate habitat of the adjacent bird sanctuary?

Z-8

6. Effects to the Bataquitos Lagoon and Bird Sanctuary: The overall negative impacts to the adjacent lagoon and nesting site of the endangered Least Tern were not adequately addressed. There is no conceivable way that a Timeshare could restrain its guests from being compelled to take an easy stroll down the slope of the Timeshare property to swim or kayak in the very beautiful and inviting waters of the Bataquitos Lagoon. The effects of the pollutants of sunscreens, human waste and the disruption to the protected nesting sites by the mere presence of humans not to mention the (assumed unintentional) destruction of the nests (from being stepped on as the Least Tern nests on the ground) is inexcusable. As would be the run-off from environmental pollutants (pesticides, weed killers, insecticides, etc.) and oil or other automotive fluids which will inevitably leak from trucks and cars and will be hosed off the grounds of the Timeshare and naturally flow into the surrounding environment (the lagoon and nesting site regions). Mere mitigation alone should not be allowable knowing that the effect could be the inevitable destruction of this lagoon and nesting site which are currently under the federal

Comment Letter Z – Peggy Crowley

land is under private ownership. No judicial determination for public access has been made to date.

Z-6

Section 5.10 of the EIR provides an analysis of the potential impacts to storm water and hydrology as the result of development of the Ponto Area. Best Management Practices (BMPs) are proposed to reduce potential impacts from runoff on groundwater, as well as to the adjacent Bataquitos Lagoon. Possible site design BMPs include minimizing the impervious footprint and landscape design; source control BMPs may involve low-irrigation landscape design, storm drain stenciling and signage, and outreach for commercial activities. Treatment control BMPs for the long-term may involve vegetated swales, catch basin/inlet inserts, and infiltration basins to allow for the onsite treatment of storm water, prior to such runoff leaving the Ponto Area.

All future development proposed within the Ponto Area would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) as part of the application process to identify site-specific BMPs that would allow for onsite treatment of storm water. All development would be subject to the requirements of the Regional Water Quality Control Board (RWQCB) and City of Carlsbad's Standard Urban Storm Water Mitigation Plan (SUSMP) to reduce potential impacts from runoff.

In addition, as the development within the Ponto Area would receive public sewer service, pollution resulting from increased human waste is not considered to represent a threat to water quality.

Z-7

The routine delivery of goods and services would be consistent with noise restrictions established by the City of Carlsbad. Although noise generated by loading docks may temporarily exceed 60 dBA, such impacts would be intermittent and would generally occur during typical workday hours. As stated in the noise analysis, future land uses anticipated with the Vision Plan are not anticipated to require a significant number of truck deliveries.

Noise impacts resulting from mobile sources (delivery trucks, etc.) would be reduced through mitigation measures proposed in Section 5.5, Noise, of the EIR. These measures include such design techniques as orienting buildings away from areas where mobile noise would occur, architectural design, and shielding. With implementation of such measures, noise impacts relative to deliveries would be reduced to less than significant.

With regards to lighting and noise impacts on the adjacent bird sanctuary, mitigation measures are given in Section 5.2, Biological Resources, to

Z-8
cont'd

protection of the Fish and Game Dept.

Z-9

7. Traffic: Ingress and egress from the surrounding San Pacifico neighborhood is tenuous at best (under the current conditions) merging out onto Avenida Encinas from the community. The considerable increase in visitors (tourists, hotel guests, shoppers, etc.) and commercial vehicles (trucks, tour buses, etc.) to the Ponto Beachfront Village will make already difficult and congested exits and entrances to and from these surrounding neighborhoods and those coming to or from a visit to the Timeshare (and proposed shopping district) a real and increased threat of accidents, injuries and potential fatalities. As it is, there was a near fatal accident at Meridian and Avenida Encinas within the recent past between two of the local residents. With the proposed Timeshare and shopping/dining developments slated for Ponto, the net effect would certainly be a substantial increase in the traffic which would statistically increase the number of accidents in that region. Does the City of Carlsbad want to assume responsibility for the potential injury or deaths of victims of auto accidents as a result of poor planning and increased traffic to this region?

Z-10

In conclusion, your own synopsis of the Ponto Beachfront Village Vision Plan EIR states that *"According to the Draft EIR, development of the Ponto Area would result in potentially significant impacts to traffic and circulation, biological resources, noise, hazards and hazardous materials, and cultural resources."* Oh, and pardon my French, but yes, I did omit the bullshit about '...mitigable impacts,' in other words, we will trash this ecosystem but we will set aside some acreage 90 miles away in Jamul to make nice all of the irrevocable damage we caused here!

I wish to go on record to whole-heartedly object and oppose the development of the southern most portion of the Ponto Beachfront Village Vision Plan until further considerations are made by the City to more adequately accommodate the overall needs of the community and our guest visitors.

Regards,
Peggy Crowley

Christer Westman <Cwest@ci.carlsbad.ca.us> wrote:

Hi,
I just wanted to make sure that you knew that the Ponto Beachfront Village Vision Plan EIR is posted on the City of Carlsbad Planning Department website. The link follows:

<http://www.carlsbadca.gov/pdfdoc.html?pid=527>

If the link is not live, cut and paste it into your web browser.

See the attached notice for other locations to view the EIR.

Christer Westman AICP
cwest@ci.carlsbad.ca.us

Comment Letter Z – Peggy Crowley

reduce potential impacts to less than significant. As the site is distanced from the Lagoon due to elevation, and is located adjacent to heavily traveled Carlsbad Boulevard, noise generated by occasional deliveries or loading/unloading activities would be temporary and would therefore not result in a potential long-term adverse effect on animal species residing in the preserve.

Mitigation is also proposed to reduce potential impacts resulting from night lighting, and includes installation of the lowest illumination of lighting allowed for human safety, selectively placed, shielded and directed away from preserved habitat.

Z-8

As stated in Section 5.2, Biological Resources, future development may result in potential impacts to the Least Tern. Mitigation is proposed to restrict construction activities during the breeding season to reduce the potential for noise disturbance to this (and other) sensitive avian species. A pre-construction survey will be required to determine if the species is present.

The EIR states that permanent fencing would be installed along the top of the slope overlooking the Lagoon, which will reduce the potential for impacts caused by human disturbance to occur. Refer to Section 5.2.3 of the EIR for additional information. Public access to the preserve is currently allowed and unrestricted, so there currently exists the potential for impacts to occur from visitation. Implementation of the Vision Plan is not anticipated to greatly increase visitor use of this area, and therefore, significant impacts to the birds occupying the preserve are not anticipated.

Refer to Response to Comment Z-6 above for discussion of potential project impacts on water quality due to runoff. Consistent with RWQCB and City of Carlsbad standards, site-specific analysis would be required at the time development is proposed to ensure that future development does not adversely impact surrounding water bodies or groundwater quality.

Z-9

Comment noted. The traffic analysis identified impacts relative to the increase in traffic that would potentially result from implementation of the Vision Plan. The increase in traffic along area roadways, including Avenida Encinas, from the project would not statistically equate to an increase in accidents or a decrease in safety. In addition, proposed improvements to roadway segments and intersections would be in accordance with City engineering standards and would enhance pedestrian, bicycle and vehicular safety. The traffic analysis identifies

Comment Letter Z – Peggy Crowley

appropriate mitigation measures to reduce potential impacts to area roadways and intersections to less than significant.

Z-10 Comment noted. Consistent with the requirements of CEQA, the EIR proposes mitigation to reduce potential impacts to less than significant. As future development of the Ponto Area would occur with or without implementation of the Vision Plan, the EIR provides measures to reduce project impacts on the environment, thereby preserving or protecting sensitive or valuable resources for the long-term. The purchase of offsite lands for mitigation of habitat impacts is a standard approach and would result in the preservation of sensitive habitat at a ratio that would preserve a greater amount of habitat than that impacted by development, and sometimes at a location that has greater biological benefit. In order of priority, the HMP suggests that impacts to sensitive resources within the Coastal Zone should be mitigated for 1) within the Carlsbad Coastal Zone; 2) within the City of Carlsbad; and 3) within the MHCP.

From: <carclini@flash.net>
To: <Planning@205.142.109.13>
Date: 5/28/2007 9:42:17 AM
Subject: CITY OF CARLSBAD | CONTACT US

A visitor to the City of Carlsbad Web site has completed and posted the "Contact Us" form to department, Planning.

FOR SECURITY REASONS, DO NOT CHANGE THE SUBJECT LINE.

Below, please find the information that was submitted:
The Ponto Development

AA-1

I am very concerned about several things; one, the amount of traffic that this development is going to generate. Two is the environmental effect, including exhaust fumes from all the additional cars and trucks will produce. I think an additional 15,000 vehicles is very conservative. And, three, the density of this project compared to the parking for the hotels is not comparative. I would like to see less hotels and a large park on the south side of Poinsettia, I see no parks in this area as are required by all builders.

Gary Powell
7405 Neptune Dr Carlsbad, CA 92011
carclini@flash.net
Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1; .NET CLR 1.0.3705; .NET CLR 1.1.4322; Media Center PC 4.0)
76.199.86.178

Comment Letter AA – Gary Powell

AA-1 Comment noted. The traffic analysis for the Vision Plan was prepared by RBF, and as directed by City staff and with input from public comments received. To estimate a realistic number of trips generated by implementation of the uses envisioned in the Vision Plan, the four development proposals as described in Section 3.4 of the EIR were considered, including the number of rooms/units proposed and associated uses (i.e restaurants, retail, etc.). For the remaining areas, standard San Diego Association of Governments (SANDAG) trip generation rates were applied to the land uses proposed, with assumptions made based on the density envisioned. The traffic analysis used the Average Daily Trips (ADTs) generated to determine potential project effects on area roadways. For significant impacts identified, mitigation measures are proposed to reduce potential impacts to less than significant, thereby alleviating disruption to the existing circulation system. Refer to Section 5.6 of the EIR for additional information.

All future land uses within the Ponto Area would be required to provide onsite parking at a ratio consistent with City of Carlsbad standards to ensure that adequate parking is available. Proposed parking would be reviewed by the City as part of the application review process to ensure that parking is consistent with the required standards.

An Air Quality analysis was prepared for the project to analyze potential air quality impacts caused by traffic generated by implementation of the Vision Plan, as well as short-term construction and other long-term operational impacts; refer to Appendix B of the EIR. Mitigation measures are proposed to reduce potential air quality impacts to the maximum extent possible. In addition, project-generated vehicle trips would be distributed on the surrounding roadway network as shown in Figure 5.6-5 of the EIR, and would not be concentrated on one roadway or intersection where the buildup of exhaust fumes would occur. As Table 5.1-6 illustrates, carbon monoxide levels at surrounding intersections would not result in exceedences of Federal or State standards, and therefore, no localized hotspots are anticipated to occur at full project build out. Refer to Section 5.1 of the EIR for additional information.

Refer to Response to Comments U-2 for discussion of recreational amenities and the requirement to provide for additional parkland.

Discussion of a new alternative (Increased Recreational Amenities / Green Space Alternative) has been added to Section 6.8 of the EIR. See also Figure 6-6 of the EIR for an illustration.

From: "Gary Barberio" <Gbarb@ci.carlsbad.ca.us>
To: "Christer Westman" <Cwest@ci.carlsbad.ca.us>, <NMAROTZ@rbf.com>
Date: 5/30/2007 11:32:56 AM
Subject: Fwd: EIR For Ponto Beach

>>> Elizabeth Kruidenier <liznandy@roadrunner.com> 05/29/07 4:57 PM >>>
Dear Gary. Have been away and working from a new computer, but did
want to make a general comment on the EIR for Ponto Beach.

BB-1

I am greatly concerned about the density issues with this project, especially the three hotels. I am a huge density fan, usually, but only where the infrastructure allows it. 101 is too narrow and too crowded much of the time and in particular in the summer months for the amount of density you have projected overall. Besides three hotels is far too many for such a small strip. There is far more density packed into this area than there is even on Carlsbad Village Drive and that makes no sense. I live off of La Costa further east and would have a hard time turning north on 101 as the project is now delineated. It will become a huge roadblock and block beach access for those of us who are residents, which is not fair. Thanks Liz Kruidenier, 3005 Cadencia St., Carlsbad 92009

Comment Letter BB – Liz Kruidenier

BB-1 Future development of private ownerships within the Ponto Area would be allowed to occur in the future under the existing General Plan land use and zoning designations, if the Vision Plan and EIR were not approved. The uses proposed with the Vision Plan are consistent with the City's LCP approved for the area which proposes visitor-serving uses, mixed-use development fronting on Carlsbad Boulevard, and hotel and timeshare uses.

The Traffic Constraints Study (see Appendix G of the EIR) was prepared in conjunction with the City of Carlsbad, and with consideration for public input received, to assess potential concerns and evaluate potential impacts to area roadways. The traffic analysis identifies potential impacts and proposes mitigation measures in the form of roadway and intersection improvements to reduce impacts to less than significant. The EIR analyzes potential traffic impacts both with and without the proposed project to identify the required improvements necessary to ensure that infrastructure would be adequate to support future development of the Ponto Area and to minimize project impacts on the existing circulation system.

May 23, 2007

Christer Westman
City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

RECEIVED

MAY 23 2007

CITY OF CARLSBAD
PLANNING DEPT

Re: EIR for the Ponto Beachfront Village Vision Plan Area

After review of the Draft EIR for the Ponto Beachfront Village Vision Plan Area the following comments are being submitted. These comments will focus on issues that were not satisfactorily addressed in the EIR that will directly affect the community of Hanover Beach Colony. This community is located across from Ponto Road directly to the north of the Beachfront Village Project.

CC-1

The EIR addresses the issues that affect the general area adjacent to the Beachfront Village Project. However, the EIR doesn't address the mitigation of issues that will directly affect Hanover Beach Colony. These specific issues were raised in comments provided in writing prior to the drafting of the EIR and their resolution remains inconclusive.

CC-2

1. Parking in Hanover Beach Colony- This community has 112 homes built on private streets. The City restricted parking to one side of the street because of the minimal street width required for construction of these homes. This parking restriction was to allow access for emergency vehicles. The concern is that the influx of vehicles destined for the hotels, condominiums, businesses, and beachgoers and tourists will park in our neighborhood looking for a convenient and/or free place to park (the hotel will charge a fee for parking in their parkade). This situation will reduce the available parking for Hanover guests and residents. It will also increase the traffic and the speed of traffic in our neighborhood. This will expose our occupants, especially children, to a higher risk of injury or fatality and an increased risk to property damage. A gate at the entrance to our community would preclude entry for vehicles other than residents and guests. As to who should be responsible to pay for the gate is another issue that will need to be addressed.

CC-3

2. Noise- Noise exposure to the residents in Hanover will increase due to the noise from events at the hotel, vehicles making deliveries to the hotel and other occupancies in the development, and increased traffic on Ponto Road. Some reduction of noise could be achieved by the elimination of the islands/medians. Eliminating the construction of these islands will reduce congestion on Ponto Road. Moving the hotel's loading dock, which is currently planned to be directly across the street (Ponto) from Hanover will reduce noise from delivery vehicles which are expected to make deliveries 24 hours a day. Also, moving the entrance to the hotel lobby will reduce noise and traffic congestion.

Comment Letter CC – Michael Burner

CC-1 Comment noted.

CC-2 Future uses within the Vision Plan Area would be required to provide onsite parking consistent with parking requirements as established by the City. Adequate parking would be provided for each proposed land use to allow visitors to the Ponto Area to park onsite and within proximity to the activities or uses which they are visiting (i.e. hotel, shopping, beach access, etc.). However, per the City of Carlsbad Municipal Code, all public streets are available for public parking, and no parking restrictions are proposed.

It is speculative to assume that an increase in traffic speeds in the Hanover Beach Colony neighborhood would in fact occur as the result of development of the Ponto Area. Similarly, it is speculative to assume that an increase in traffic would result in an "increased risk to property damage." Visitors to the Ponto Area would travel along Ponto Road for access purposes; however, it is not anticipated that vehicles would travel further north into the Hanover Beach Colony neighborhood. Mitigation measures are proposed within the Traffic Analysis (see Appendix G of the EIR) to reduce potential traffic impacts on the area circulation system to less than significant.

The installation of a gate at the entrance of the Hanover Beach neighborhood is not related to an environmental effect, and therefore, is not required to be analyzed within the EIR. Rather, this is an issue to be addressed by the Hanover Beach Colony HOA or through separate discussions with the City of Carlsbad.

CC-3 To reduce potential noise generated by operation of the hotel, mitigation measures are given in Section 5.5 of the EIR. Mitigation Measures N-3 and N-4 have been amended to restrict main access and service drives associated with the Garden Hotel from being located directly across from residential uses. Additionally, language was amended to require a landscaped area within the Garden Hotel area in order to buffer the proposed use from existing residential uses across Ponto Road. Refer to Section 5.5.4 of the EIR.

Plans for the onsite roadways will be reviewed by the City of Carlsbad for consistency with design and engineering requirements. Design review would ensure that proposed medians or islands would not impede traffic flow.

CC-4

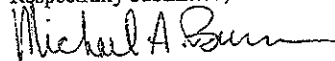
3. Traffic- The draft EIR states that traffic will increase on Ponto Road. As stated previously, some of this traffic will divert through Hanover, either to avoid congestion or to try to find parking. The increased traffic will increase the congestion entering and exiting Ponto Road to and from Carlsbad Blvd. Ponto Road is the only access into and out of Hanover for residents or emergency vehicles (other than an emergency crash gate at the north end of Hanover). Congestion on Ponto Road would impede the ingress and egress of vehicles accessing Hanover. Moving the entry lobby of the hotel would help to alleviate some of the traffic (and noise). As stated previously, removing islands/medians from the plan will enhance the ingress and egress of traffic along Ponto Road. A gate at the entrance to Hanover would eliminate non-resident traffic.

CC-5

4. Emergency Services Impact- The new development will impact all emergency services. As a retired Deputy Fire Chief from the City of San Diego, I am well aware of the impact to emergency services that occurs with an increase in population and structure density. EMS responses will increase as the population increases- fire apparatus respond with ambulances which will reduce resources more frequently; there will be an increase in service requirements by lifeguards at the beach because of increased beach use; fire responses will increase with the increase in structures; during fire operations at the hotel the access to buildings will be limited due to islands/medians and excessive vegetation/trees- these items restrict and delay fireground operations; police response will increase not only with an increase in crime and traffic accidents but with increased response in assisting fire, EMS and lifeguards in their operations.

If you need additional information, input or clarification of my concerns, you may contact me at 760-931-1919 or by email at mburner9@roadrunner.com.

Respectfully submitted,



Michael Burner
7017 Leeward Street
Carlsbad, CA 92011

Comment Letter CC – Michael Burner

In addition, plans for the hotel will be reviewed by the City for consistency with applicable design standards. It is not anticipated that deliveries would occur 24 hours per day; instead, the majority of deliveries and loading/unloading activities would occur during the normal workday when activity and use of the facilities are at their busiest.

CC-4

Comment noted. As stated above, traffic associated with the Ponto Area is not anticipated to divert through Hanover Beach Colony. In addition, traffic would travel along Ponto Road, and would not be expected to travel further north into the Hanover neighborhood, as the uses which visitors would travel to the area to visit would be provided within the Ponto Area; the residential neighborhood would not provide any services.

In addition, LOS for Ponto Road and for the intersection of Ponto Road and Carlsbad Boulevard, with and without the Vision Plan, is within acceptable limits. Mitigation has been revised to state that the main entrance (and service entrances) to the hotel use would be required to be located further to the south along Ponto Road to reduce potential impacts resulting from traffic traveling to and from the hotel.

Proposed improvements to roadway segments and intersections would be in accordance with City engineering standards and would enhance pedestrian, bicycle and vehicular safety. The median/island envisioned along Ponto Road would not impede ingress/egress or interfere with circulation along the roadway. Refer to Response to Comment CC-2 above regarding gated access.

CC-5

All future development would be required to demonstrate consistency with the LFMP's for public services, including fire and police protection, as required by the City's Growth Management Program. As with any development proposed within the City, consistency with the LFMP's would ensure that any increased demand on such services would be evaluated and provided for with the development. Therefore, any increased demand resulting from future development of lands within the Ponto Area would be addressed with individual land development applications to ensure that emergency services are adequately provided for and that no impact occurs.

Landscaping plans for the islands/medians would be prepared consistent with the City's landscape design standards. Landscaping would not impede travel along onsite roadways.

Herb Patterson
518 Southbridge Ct.
Encinitas, Ca.
92024

lindpat@cox.net
760-9425920

To: Carlsbad City Council, Mayor and City Manager

RE: Ponto Project

I was interested to read the Traffic Report included in the EIR for this project. My comments on the report will only cover the impact on La Costa Avenue and will not touch on any of the other aspects of the EIR or any of the other traffic impacts.

DD-1

My first impression of the report as posted on your web site was that it did not appear to be complete. There is no mention of what projects in Encinitas that have already been approved were included in the report other than the hotel and timeshare at La Costa/101. There does not appear to be any consideration for normal "background" traffic increases from sources other than Ponto. Typically, traffic engineers use a figure between 1% and 2% as a "background" increase number. In the case of La Costa between I5 and 101, the actual observed increase is more like 12% a year. Please see the attached letter to the City of Encinitas Traffic Engineer, Rob Blough, which has attached actual counts done in early March of 2006.

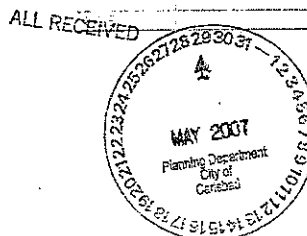
DD-2

The report indicates that two mitigation areas exist on La Costa -La Costa at Vulcan and La Costa at Carlsbad Blvd. The report suggests that La Costa/Vulcan can be mitigated in two ways. One would be the installation of a traffic signal with the expansion of La Costa to four lanes and the other would restrict left turn access. I believe by the end of my letter I can prove to you that there is no other alternative than the expansion of La Costa to a four lane developed highway.

DD-3

When the City of Encinitas was formed, our General Plan called for the expansion of La Costa between I5 and 101 into a four lane, developed Highway [twenty years ago!]. The City later drew up a 101 North Specific Plan that again outlines the need for La Costa expansion and touches on the two intersections commented on in the EIR. Every traffic report done by the multiple private projects impacting La Costa have documented that the current configuration is inadequate. I have, as a private citizen with no vested interest in the expansion of La Costa, attempted to bring to the awareness of both government and the citizens of Encinitas the necessity of widening La Costa BEFORE all the various projects impacting La Costa are begun. Besides the savings in money, traffic disruption, and inconvenience to the nearby residents, this would be primarily a SAFER way to go. Why wait until the traffic increases substantially ?

So how bad will the traffic be on La Costa when all is said and done ? Well lets look at the traffic report figures from Figure 5.6-8, 5.6-9 and Figure 7-2. Figure 7-2 shows the La Costa segment between 101 and I5 at a projected year 2010 ADT [average daily trip] of 17,400. Figure 5.6-8 shows the same segment projected to the year 2030 without the Ponto project at an ADT of 16,097 and Figure 5.6-9 shows the roadway segment projected to 2030 at an ADT of 21,100. So do you believe that the change from the projected 2010 ADT figures will DECREASE in ADT in 2030 [without the project] ? These projections also show the Ponto Project will generate 5000 ADT in the same segment [21,100-16,097].



Comment Letter DD – Herb Patterson

DD-1 Background growth is typically estimated based on a percentage growth when traffic model data is unavailable or if a project is too small to warrant the use of a traffic model. Since the SANDAG traffic model was used to forecast growth in the study area, the percentage method mentioned in this comment was unnecessary as the traffic model integrates forecast land use into the development of future year projections. Traffic counts conducted for this traffic report for the "existing condition" were conducted in July/August 2006.

Refer to response to comments I-22 regarding cumulative projects. The revised traffic report integrates cumulative projects requested to be included by City of Encinitas. The additional cumulative project traffic does not change the findings of the traffic analysis.

DD-2 Comment noted. The City of Encinitas adopted mitigation in the North 101 Corridor Specific Plan to widen La Costa Avenue to four lanes through Vulcan Avenue. The mitigation proposed by the Ponto Vision Plan is consistent with the Specific Plan mitigation.

DD-3 The City of Encinitas General Plan does indicate that La Costa Avenue is planned as a four-lane arterial in the Circulation Element. Please see Response I-3 for a discussion on other City of Encinitas projects conditioned to make improvements to La Costa Avenue.

The regional traffic model was used to generate the daily traffic volumes shown in the listed exhibits for La Costa Avenue. The capacity of the roadway is constraining the amount of traffic that the traffic models can and will assign to that roadway. When capacity is reached with a traffic model, the model will no longer assign traffic to that route. Although traffic volumes increase in the area, traffic will no longer be assigned to that route. One factor to consider is the fact that other roads and highways are planned to be improved around this site. Improvements to these roadways will have an effect on the overall distribution of traffic, not specific to the project, but to regional traffic with or without the project.

The difference of 2,900 ADT between this study and other studies is likely due to two different traffic models being used. City of Encinitas uses the ETAM model, which is specific to their city. City of Carlsbad uses the regional traffic model (North County Subarea for 2030), developed by SANDAG. The ETAM model takes into account the existing General Plan land use designations for the Ponto Area. It should be noted that the traffic generated by the Ponto Area Vision Plan does not exceed the existing General Plan land uses for the site.

DD-3
cont'd

Now if you look at the raw figures in the attachment, you will find that two days worth of traffic were measured in two different spots – one between Sheridan and the Chevron station and one between Sheridan and Vulcan. The spot between Sheridan and the Chevron AVERAGED 17,520 ADT or MORE than the projected 2010 figure in the report. The area between Sheridan and Vulcan averaged 14,583 [apparently this is where the figures were taken for the report as their figures are very close to the ones I commissioned] . The average of all four counts is 16,051 – if you add JUST the 5000 ADT assumed in your report to be generated by the proposed Ponto project and no other increase from any other source you get near the 21,100 ADT figure from Figure 5.6-9. Unfortunately, we can't count on the rest of the area standing still.

So what have the other traffic engineers estimated the segment of La Costa between I5 and 101 to be in the future ? Katz, Okitsu and Associates estimated the long term ADT for this segment at 24,000 in their 2002 report for the Chevron expansion. Do you wonder how they got three thousand more ADT than your report, considering they were not including the Ponto project ? Darnell and Associates produced a traffic report for Shea Homes that indicates that with the build out of that project [not completed] the projected ADT on La Costa East of Vulcan will be 16,000 – again no Ponto figures are included. Looks like about what we have now [well in 2006]. Finally, in 2000, SANDAG issued their estimate for the area projected to the year 2010 – they see the segment of La Costa between 101 and I5 as carrying 12,000 ADT. Oops !

DD-4

This brings up another point – the SANDAG AM and PM trip origination assumptions appear way to low for residences. It appears that these figures were compiled when the assumption was that one wage earner left for work, not two. They appear to be unrealistic.

DD-5

To this point, no mention of the impact of the I5 expansion has been made. The only thing we know for sure is that the expansion will add traffic to the La Costa corridor West of I5.

The City of Encinitas believes that all two lane streets in Encinitas should be considered to be operating at LOS C [level of service] if the ADT does not exceed 11,200. Clearly, La Costa between I5 and 101 is way over that level now, much less when all the proposed development is done. Encinitas' General Plan proposes La Costa West of I5 be a 4 lane collector which would have LOS C at 26,000 ADT. This appears to be too low – it looks as if La Costa will have to be built to at least major roadway configuration [LOS of C at 28,200]. I have urged our City Council to contact you to work out your share of the La Costa expansion and hope you will contact them. No other solution will work.

DD-6

So what have we learned ? We know that the EIR traffic report apparently didn't factor in development outside of the large projects at 101 and La Costa, didn't factor in "background" increases unrelated to known projects, has a ten year projection that is projected to have an ADT figure more than a 2030 projection and is at odds with other professional traffic engineer's reports done in the area. I believe the SANDAG trip assumptions are way too conservative. The impact of I5 expansion is unknown at this time, but clearly can only result in an increase in traffic. If we take the average of the four actual counts attached [16,051] and add 12% for 2007 "background" increase we get a total ADT of 17,977. If we then add 5000 ADT representing the projected traffic generated from the Ponto project, we get a total ADT of 23,000 [rounded]. If we then add approximately 900 ADT representing the Encinitas projects not counted, we get close to 24,000 ADT. This number is a conservative figure – my bet is that by the end of build out of all the projects including the proposed Ponto project our 2030 projection will be more like 30,000 ADT. That would move an expansion of La Costa into LOS D. I believe, that based on the traffic impact to La Costa alone, some consideration should be given to scaling down the proposed Ponto project. Do we really need all of what is proposed ? Wouldnt more passive uses be

Comment Letter DD – Herb Patterson

- DD-4 SANDAG most recently updated their trip generation data in April 2002.
- DD-5 The I-5 expansion is included in the traffic model used in forecasting horizon year traffic volumes. Analysis of the I-5 freeway was integrated into the traffic report, per the request of Caltrans. Refer to response to Comment B-1a.
- DD-6 Comment noted. See Responses to Comments DD-1 to DD-5 above.

DD-6
cont'd

more appropriate ?

DD-7

Another question is raised by my analysis – what if the rest of the traffic study has similar problems to those I have touched on? Wouldn't a prudent City government plan for a worst case scenario rather than overdevelop an area and then live with the consequences ? Why not stagger any Ponto development so that the real impacts can be measured and mitigated and further development allowed or disallowed based on reality rather than projections that at best can only be educated guesses?

Thank you for your time,

Herb Patterson

Comment Letter DD – Herb Patterson

DD-7

It is likely that development of this site will be staggered. The Ponto Beachfront Village Vision Plan will only guide development of the land within its boundaries. It is not an actual development project at this time. As individual projects within the study area begin the development process, the City will review them on a case by case basis. Although a full traffic study may not be necessary, the City will have the opportunity to ask individual projects to address specific traffic issues as they arise. Annually, the City of Carlsbad conducts a traffic monitoring program and collects funds on development for roadway and intersection improvements. Individual projects will be required to pay funds for planned improvements as well as contribute toward identified mitigation measures associated with this plan.

Herb Patterson
518 Southbridge Ct.
Encinitas, Ca.
92024

Rob Blough
City of Encinitas
505 S. Vulcan
Encinitas, Ca.
92024

9-13-06

As a follow up to our conversation, I wanted to provide you with the sources for my statements about the La Costa traffic. I am also enclosing my commissioned traffic findings done through Darnell.

2002 [Sheridan to freeway ramps] 10,700 ADT -Katz, Okitsu & Assoc for 1st Chevron report

2003 [Sheridan to freeway ramps] 12,050 ADT -City count taken from City's web page

2004 No known count

2005 [Sheridan to freeway ramps] 13,777 ADT -KHR count done 9-20-05 for 2nd Chevron report

2006 [Sheridan to freeway ramps] 17,520 ADT – Attached average of two days [done 3-2-06 and 3-3]

The increase from 2002 is 6,820 ADT or roughly 64%.
This segment is running far above the City's LOS C or D level.

I hope this makes my point clearer and might even spur just a little action on your part. These increases are without all but one project Oked being occupied [the small housing tract on the corner of Sheridan and La Costa], without any projections for the freeway expansion or the Carlsbad Ponto project.

To continue to allow Traffic engineers reporting on development to use 1-2% "background" increases as a basis for their studies is factually incorrect. If anything comes of this correspondence at all, I hope this practice will not be allowed.

Thank you again for your time,

Herb Patterson

Comment Letter DD – Herb Patterson

DD-8 Comment noted.

DD-9 A 1-2% background growth was not used in this analysis. The forecast uses the SANDAG traffic model, which integrates forecast land uses and transportation improvements to determine future volumes. Using the traffic model, daily traffic volumes are forecast that account for route choices made based on speed and capacity of the roadways. When new roads are constructed (ie. extension of Poinsettia Lane, I-5 widening, etc), then new routes become available. This results in shifts in traffic patterns. When roadway networks and land uses are forecast to change, this method of modeling traffic produces results that reflect the changes and not blanket growth estimates that can be used on small projects located in less dynamic land use and transportation networks.

Comment Letter DD – Herb Patterson

Project 06-4055-002

Total Vol.	3217	2970	6187
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Split %	AM			PM		
	###	###	41.3%	55.1%	44.9%	58.7%
Peak Hour	07:15	07:15	07:30	16:30	16:45	16:30
Volume	731	870	1587	633	965	1109
P.H.F.	0.06	0.01	0.06	0.04	0.04	0.04

Average Daily Traffic Volumes
Prepared by: Southland Car Counters

Volumes for: Friday, March 03, 2006

City: La Costa

Project: 06-4055-002

Location: La Costa Blvd down Sheridan Rd and Vulcan Ave.

AM Period	NB	SB	EB	WB	PM Period	NB	SB	EB	WB
00:00			28	16	12:00			122	109
00:15			24	21	12:15			113	78
00:30			15	12	12:30			126	85
00:45			15	62	12:45			141	502
01:00			6	8	13:00			132	98
01:15			9	9	13:15			127	77
01:30			13	5	13:30			132	74
01:45			12	40	13:45			144	535
02:00			11	7	14:00			161	78
02:15			9	6	14:15			169	73
02:30			10	4	14:30			148	97
02:45			4	34	14:45			162	640
03:00			6	4	15:00			138	109
03:15			3	2	15:15			173	140
03:30			6	1	15:30			156	119
03:45			6	21	15:45			189	656
04:00			6	1	16:00			182	135
04:15			7	2	16:15			164	126
04:30			9	4	16:30			183	114
04:45			10	32	16:45			172	701
05:00			16	7	17:00			166	109
05:15			13	5	17:15			163	135
05:30			31	11	17:30			151	146
05:45			35	95	17:45			147	647
06:00			43	28	18:00			138	92
06:15			66	52	18:15			123	83
06:30			89	66	18:30			163	89
06:45			84	262	18:45			79	443
07:00			104	81	19:00			68	90
07:15			133	96	19:15			93	63
07:30			166	87	19:30			62	46
07:45			136	539	19:45			66	309
08:00			144	108	20:00			45	40
08:15			129	103	20:15			45	47
08:30			127	110	20:30			65	40
08:45			130	530	20:45			47	262
09:00			119	104	21:00			59	44
09:15			117	82	21:15			44	37
09:30			138	84	21:30			54	37
09:45			142	516	21:45			40	197
10:00			124	68	22:00			54	46
10:15			109	73	22:15			44	41
10:30			120	81	22:30			32	22
10:45			140	493	22:45			31	161
11:00			128	64	23:00			36	23
11:15			140	90	23:15			19	25
11:30			128	92	23:30			21	13
11:45			128	524	23:45			27	103
Total Vol.			3188	2169				5096	3721

	NB	SB	EB	WB	Combined
Daily Totals			8284	5890	14174

	AM	PM
Split %	33.3	37.8%
Peak Hour	07:15	07:30
Volume	579	421
P.H.F.	0.32	0.36

Average Daily Traffic Volumes
Prepared by: Southland Car Counters

Volumes for: Thursday, March 02, 2006

City: La Costa

Project 06-4055-001

Location: La Costa Blvd e/o Sheridan Rd (b4 Chevron Stn)

AM Period	NB	SB	EB	WB	PM Period	NB	SB	EB	WB
00:00			11	24	12:00			129	124
00:15			18	37	12:15			108	122
00:30			11	26	12:30			118	110
00:45			6	46	12:45			110	465
01:00			9	21	13:00			126	111
01:15			13	15	13:15			135	111
01:30			6	20	13:30			120	102
01:45			8	36	13:45			129	510
02:00			7	14	14:00			139	111
02:15			5	18	14:15			133	132
02:30			9	12	14:30			127	177
02:45			5	26	14:45			136	535
03:00			8	9	15:00			138	124
03:15			8	11	15:15			141	160
03:30			14	5	15:30			153	144
03:45			18	48	15:45			142	574
04:00			7	3	16:00			143	152
04:15			8	9	16:15			165	158
04:30			10	12	16:30			163	154
04:45			20	45	16:45			165	636
05:00			13	19	17:00			147	156
05:15			26	21	17:15			167	166
05:30			31	21	17:30			148	172
05:45			36	106	17:45			154	616
06:00			67	61	18:00			134	150
06:15			92	111	18:15			125	141
06:30			100	137	18:30			73	139
06:45			117	376	18:45			76	408
07:00			138	174	19:00			62	96
07:15			166	225	19:15			78	87
07:30			184	241	19:30			73	80
07:45			183	671	19:45			53	266
08:00			183	279	20:00			48	86
08:15			152	321	20:15			49	100
08:30			146	249	20:30			37	80
08:45			118	929	20:45			63	197
09:00			114	124	21:00			59	129
09:15			114	96	21:15			57	118
09:30			126	123	21:30			52	110
09:45			122	476	21:45			41	209
10:00			85	94	22:00			67	77
10:15			103	106	22:15			59	89
10:30			112	93	22:30			35	88
10:45			101	401	22:45			45	206
11:00			137	129	23:00			58	88
11:15			129	107	23:15			36	75
11:30			106	115	23:30			50	60
11:45			125	497	23:45			29	173
Total Vol.			3327	4129				4795	5647

Daily Totals		EB	WB	Combined
NB	SB	8122	9776	17898

AM		PM	
Split %	###	45.9%	54.1%
Peak Hour	7:15	7:45	8:30
Volume	716	1141	1837
P.H.F.	0.07	0.06	0.06

Average Daily Traffic Volumes
Prepared by: Southland Car Counters

Volumes for: Friday, March 03, 2006

City: La Costa

Project 06-4055-001

Location: La Costa Blvd e/o Sheridan Rd (D4 Chevron Stn)

AM Period	NB	SB	EB	WB	PM Period	NB	SB	EB	WB
00:00			22	25	12:00			116	148
00:15			23	30	12:15			133	125
00:30			17	17	12:30			135	124
00:45			11	73 26 96 171	12:45			151 535 138 535	1070
01:00			9	13	13:00			128	140
01:15			7	10	13:15			135	121
01:30			8	12	13:30			139	109
01:45			16	40 16 51 91	13:45			147 549 146 506	1055
02:00			5	11	14:00			162	123
02:15			5	9	14:15			164	126
02:30			10	5	14:30			170	154
02:45			5	25 5 30 55	14:45			154 650 150 553	1203
03:00			4	6	15:00			158	163
03:15			2	5	15:15			150	197
03:30			9	5	15:30			147	180
03:45			5	20 4 20 40	15:45			196 651 190 730	1381
04:00			8	4	16:00			190	181
04:15			8	7	16:15			156	166
04:30			10	5	16:30			179	174
04:45			13	39 5 21 60	16:45			165 690 174 695	1385
05:00			24	19	17:00			166	177
05:15			22	12	17:15			186	187
05:30			31	20	17:30			143	194
05:45			45	122 27 78 200	17:45			133 628 142 700	1328
06:00			44	52	18:00			124	144
06:15			70	95	18:15			111	122
06:30			104	112	18:30			93	135
06:45			109	327 127 386 713	18:45			82 410 106 507	917
07:00			101	123	19:00			79	132
07:15			145	150	19:15			89	97
07:30			183	132	19:30			56	63
07:45			157	596 130 535 1121	19:45			60 284 83 375	659
08:00			148	151	20:00			53	58
08:15			129	153	20:15			46	77
08:30			134	158	20:30			69	63
08:45			136	547 138 600 1147	20:45			47 215 57 256	471
09:00			135	138	21:00			57	63
09:15			128	103	21:15			51	61
09:30			134	126	21:30			47	61
09:45			136	533 140 507 1040	21:45			51 206 58 243	449
10:00			139	103	22:00			48	66
10:15			108	96	22:15			47	71
10:30			132	122	22:30			49	37
10:45			129	508 122 443 951	22:45			32 176 49 223	399
11:00			132	102	23:00			32	34
11:15			136	129	23:15			8	38
11:30			118	138	23:30			19	18
11:45			126	512 147 516 1028	23:45			31 90 28 118	208

Total Vol 3332 3285 6617

		Daily Totals		
NB	SB	EB	WB	Combined
		8416	8726	17142

AM		PM		
Split %	###	###	###	###
Peak Hour	07:15	08:00	15:45	15:45
Volume	633	600	721	1432
P.H.F.	0.8%	0.8%	0.9%	0.9%

From: <rlgordie@roadrunner.com>{PRIVATE }
To: <Planning@[205.142.109.13]>
Date: 5/28/2007 5:30:44 PM
Subject: CITY OF CARLSBAD | CONTACT US

A visitor to the City of Carlsbad Web site has completed and posted the "Contact Us" form to department, Planning.

FOR SECURITY REASONS, DO NOT CHANGE THE SUBJECT LINE.

EE-1 [Below, please find the information that was submitted:
We strenuously object to the over development and conjection that the project you are proposing. Please consider the impact on the living conditions.
Sincerely, Ron and Lorraine Gordon

rlgordie@roadrunner.com
Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1)
76.176.155.39

Comment Letter EE – Ron and Lorraine Gordon

EE-1 Comment noted. Potential impacts resulting from implementation of the Vision Plan on existing land uses are addressed in the EIR, as well as in the responses to public comment given herein.

From: "Paul Klukas" <pklukas@planningsystems.net>
To: "Christer Westman" <Cwest@ci.carlsbad.ca.us>
Date: 5/14/2007 10:40:18 AM
Subject: Re: The Ponto Beachfront Village Vision Plan EIR is available forreview

Thanks Christer. I already read the DEIR on behalf of Tony Sharp's Beachfront Hotel/Timeshare project. In my opinion it's a very good document.

FF-1

We'll make probably two formal comments; (1) It doesn't seem that the DEIR recognizes that the Poinsettia Shores MP is the LCP "Implementation" for the W. Batiquitos/Sammis LCP, and that the previous re-alignment of Avenida Encinas through Poinsettia Shores has reduced the size of PA's G and H somewhat, which probably necessitates an LCP amendment.

FF-2

Also, (2) the DEIR doesn't appear to recognize that a desiltation basin exists just southwest of the Resort Hotel pad (by Carlsbad Blvd.), and that it should probably be used for post-development water quality BMP's.

At this point, I couldn't find anything else.

Paul

----- Original Message -----

From: "Christer Westman" <Cwest@ci.carlsbad.ca.us>
To: "Christer Westman" <Cwest@ci.carlsbad.ca.us>
Sent: Monday, May 14, 2007 8:12 AM
Subject: The Ponto Beachfront Village Vision Plan EIR is available forreview

Hi,
I just wanted to make sure that you knew that the Ponto Beachfront Village Vision Plan EIR is posted on the City of Carlsbad Planning Department website. The link follows:

<http://www.carlsbadca.gov/pdfdoc.html?pid=527>

If the link is not live, cut and paste it into your web browser.

See the attached notice for other locations to view the EIR.

Christer Westman AICP
cwest@ci.carlsbad.ca.us

Comment Letter FF – Paul Klukas

- FF-1 Comment noted. Section 5.11.1.3 of the EIR has been revised to indicate these conditions.
- FF-2 Comment noted. The existence of the desiltation basin may be considered at the time when site-specific analysis for hydrology and water quality is undertaken for the site. The use of the basin could potentially be considered in combination with BMPs given in the EIR to reduce potential impacts to water quality.



Barbara and Steve Oetting
529 Stern Way
Carlsbad, CA 92011

May 14, 2007

City of Carlsbad
c/o Christer Westman, Senior Planner
1635 Faraday Avenue
Carlsbad, CA 92008

Re: Ponto Beachfront Village Vision EIR, SCH 2007031141

Dear Mr. Westman:

GG-1 We wish to lodge our objections to the Environmental Impact Report (EIR) for the Ponto Beachfront Village. The EIR is conceptually flawed in at least two critical respects. First, the EIR fails to consider the environmental impacts of the proposed development on the Batiquitos Lagoon in general and the least tern nesting site in particular. The least tern nesting site lies appurtenant to the southern boundary of the proposed development. It is a critical and fragile habitat to an increasingly endangered population of least terns. Clearly, the proposed development will have a significant impact on this ecosystem. Yet, remarkably, the EIR defined away any impacts to this habitat by drawing the boundaries for the EIR to omit consideration of the nesting site. As seen in figures 5.2-5, 5.2-6, and 5.7, among others, the EIR has carefully skirted this issue by simply defining the least tern sites as being outside the EIR's consideration. This is unacceptable. Presumably, one of the very reasons the developers seek to develop the proposed site is because of the beauty of the lagoon and its wildlife. The impacts that the proposed development will have on the nesting site must be considered.

GG-2 The second flaw in the EIR is its evident failure to consider the effects of the current owner's efforts to stem historical use of the site during the period of the report. In order to prevent existing use of the site by pet owners, joggers, and birders, the current owners fenced off portions of the proposed development last year, including paved parking areas. At the same time, the owners also removed existing fauna from certain areas. The EIR, however, failed to mention these actions, and apparently did not consider their impact. As a result, the EIR's conclusions regarding impacts on everything from the existing fauna to the traffic surveys are subject to question. By artificially restricting historical parking and usage of the site, the current owners have skewed the EIR's statistics regarding traffic patterns in the area. Namely, without parking and the ability to use the site, people have been forced to travel elsewhere. In short, in considering the impacts of the proposed development, it is necessary to create a true snapshot of the existing uses, and compare this with the predicted changes. The current owners have prevented a true snapshot from being recorded, and thereby have prevented a legitimate EIR from being conducted.

GG-3 Without consideration of the effects of the project on the lagoon and the least tern site, as

Comment Letter GG – Barbara and Steve Oetting

GG-1 The Biological Resources Report, prepared by RECON Environmental, includes an analysis of potential impacts to least terns resulting from future development of the Ponto Area. The least tern nesting area is clearly identified within the EIR in Figures 5.2-2 and 5.2-5. The least tern preserve is located offsite, outside of the proposed development boundary; however, this does not preclude analysis of direct and indirect project impacts to the least tern nesting site under CEQA.

As stated in the EIR and Biological Resources Report, noise-related impacts would be considered significant if sensitive species (such as coastal California gnatcatcher, least tern, or raptors) were displaced from their nests and failed to breed (Impact B-3). Birds nesting within any area impacted by noise exceeding 60 dB Leq may be significantly impacted.

Mitigation measure B-3b states that no grading, grubbing or clearing will occur within 500 feet of an active California least tern during the breeding season as a result of construction activity. A noise study shall be required to determine if construction noise levels would exceed 60 dB Leq at 500 feet within the Preserve during breeding season. All construction activity shall be halted until all nesting behavior has ceased or until September 30, or until a temporary noise barrier is constructed at the edge of the development footprint to reduce noise levels below 60 dB Leq. This is a standard mitigation measure to reduce significant noise impacts on sensitive avian species. The proposed mitigation would reduce potential impacts to the least tern less than significant.

Language has also been added to the EIR to Section 5.2.3 to address project effects relative to avian predation and avian collisions, and measures are provided to minimize such effects on the least tern. Refer also to Section 5.7.4.1 of the EIR for City Standard Conditions of Approval and application review procedures.

GG-2 The land affected by the Ponto Vision Plan is comprised of a number of private ownerships. As with any other privately-owned land within the City, owners are allowed to fence their property boundaries to identify the limits of ownership, or for purposes of protection or safety. Therefore, the fencing of this property is not in conflict with City policy or procedure. No judicial determination of prescriptive easement rights that would affect the property has been made to date.

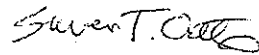
Although the historic use of this parcel may have occurred without the current owner prohibiting or restricting public, secondary use of the property, this historic use does not guarantee public use of the property

GG-3
cont'd

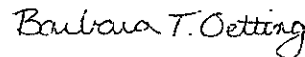
Ponto Development Objections
Page 2

well as the historical uses for the site, the EIR cannot be considered adequate.

Sincerely



Steven T. Oetting



Barbara T. Oetting

Comment Letter GG – Barbara and Steve Oetting

indefinitely. At the time the EIR was prepared (April 2007), RBF was not aware that the property had been fenced or that "existing fauna had been removed;" however, these conditions are not environmental issues to be analyzed in the EIR. The purpose of the EIR is to evaluate potential environmental impacts that would result from implementation of the Vision Plan. The vegetation surveys that were completed for the site were conducted in June and July of 2006, prior to when removal of any vegetation occurred. The biological impacts assessment assumes that future development would impact the majority of the Ponto Area, as shown in Figure 5.2-5 of the EIR. Therefore, the loss of any sensitive habitat caused by removal of any vegetation by the owner, while not a result of the project, has been accounted for in the impacts to sensitive habitat, as shown in Tables 5.2-5 and 5.2-7. Additionally, the traffic data was collected in June and July of 2006, prior to the fencing of the land, and while people were still utilizing the property for recreational purposes. As such, traffic counts would have included trips generated by visitors traveling to or from the property. Therefore, the existing conditions information in the EIR represents an accurate assessment of the area at the time research was conducted, and occurred prior to the site being fenced.

Although the site may have been accessible previously and utilized by visitors for parking, the land is privately owned and not designated as a public parking area. Public parking and other public recreational amenities are available at the State Beach across Carlsbad Boulevard and in other surrounding areas.

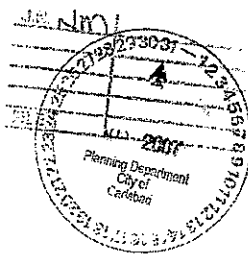
GG-3 Comment noted.

May 25, 2007

Lorraine M. Wood, CMC
City Clerk
City of Carlsbad
1200 Carlsbad Village Dr.
Carlsbad, CA 92008-1989

Re: Ponto Beachfront Village Environmental Impact Report

Dear Ms. Wood,



HH-1 [I want to point out several deficiencies in the above EIR. There are impacts not addressed, impacts not mitigated and land planning that violates accepted principles.

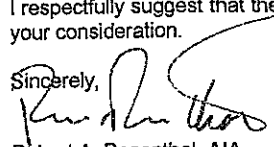
HH-2 [**Poor Land Planning**
This parcel is bordered by the Coast Highway on the West, single family residential on the North, railroad tracks on the East and the lagoon on the South. Six land uses are proposed, only one of which is residential, the Townhouse Neighborhood. It is very obvious that the residential Townhouse Neighborhood should be located adjacent to the existing single family residential. The other five commercial uses should be located adjacent to the highway and the tracks and the lagoon.

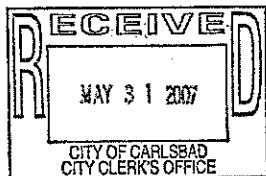
HH-3 [**Impacts**
Traffic impacts from the Coast Highway to Ponto were not addressed in spite of the forecasted traffic generated by the garden hotel of 2,150 average daily trips (Table 9, page 26, Appendix G). Ponto is also used by the single family residential neighborhood that borders the project on the South.

HH-4 [Noise impacts to the residential neighborhood from the garden hotel were not addressed and not mitigated.

I respectfully suggest that the land uses be revised as suggested above. Thank you for your consideration.

Sincerely,


Robert A. Rosenthal AIA
P.O. Box 965
Solana beach, CA 92076



Comment Letter HH – Robert A. Rosenthal

HH-1 Comment noted.

HH-2 The uses envisioned in the Vision Plan are consistent with the existing underlying General Plan land use designations, which would allow for such uses as travel/recreation, commercial, residential (medium-high density), and open space/community parks within the Ponto Area. These uses would be allowed without approval or implementation of the Vision Plan. Although the Vision Plan would require that the General Plan be changed to include language that the area is in an area of "Special Planning Consideration," the uses envisioned by the Plan are consistent with the City's current intent for future development of the Ponto Area. Although the area proposed for the Townhouse Neighborhood is currently designated as UA - Unplanned Area, the existing zoning is Planned Community, and is regulated by the Poinsettia Shores Master Plan, which would allow for development of residential uses.

Existing zoning for the area designated as Garden Hotel is CT-Q/RD-M-Q – Commercial Tourist zone with Qualified Development Overlay and RD-M-Q – Residential Density – Multiple zone with Qualified Development Overlay. Therefore, relocation of the Townhouse Neighborhood to this location would be inconsistent with the City's intent to develop this area with commercial and tourism-oriented uses, potentially mixed with medium to high density residential uses.

In addition, the proposed Live-Work Neighborhood, Townhouse Neighborhood and the Mixed-Use Center areas would all allow for the future development of residential uses. The Townhouse Neighborhood is proposed in an area that is set back from Carlsbad Boulevard and buffered by the Mixed-Use Center (where land uses would be more intense than strictly residential uses) to allow for reduced noise impacts from the roadway. The proposed location of the Townhouse Neighborhood would also be adjacent to the existing Poinsettia Shores single-family residential neighborhood to the east, thereby placing similar, compatible land uses near one another. In addition, the Garden Hotel represents a more intensive use which is more appropriate for frontage onto busy Carlsbad Boulevard, as well as for purposes of visibility.

HH-3 The Traffic Impact Analysis analyzed future development of the Ponto Area under the scenario proposed with the Vision Plan. Potential impacts to Ponto Road were considered in the analysis and although an increase in traffic may occur along Ponto Road, the increase was not found to be significant and no additional improvements are proposed for the roadway

Comment Letter HH – Robert A. Rosenthal

or where Ponto Road intersects with Carlsbad Boulevard. In addition, a portion of traffic traveling to and from the Garden Hotel would also travel via Beach Way or Avenida Encinas from Carlsbad Boulevard, or from Ponto Drive, thereby reducing the amount of traffic along Ponto Road. Where significant impacts were identified as a result of implementation of the Vision Plan, mitigation is proposed to reduce impacts to less than significant.

HH-4 The Noise Analysis prepared for the Vision Plan considered potential noise impacts generated by construction and operation of the Garden Hotel (see Appendix F of the EIR). Mitigation is proposed to reduce potential impacts to less than significant, with the exception of short-term noise impacts that would occur only during the construction stage.

In addition, Mitigation Measures N-3 and N-4 have been amended to restrict main access and service drives associated with the Garden Hotel from being located directly across from residential uses. Additionally, language was amended to require a landscaped area within the Garden Hotel area in order to buffer the proposed use from existing residential uses across Ponto Road. Refer to Section 5.5.4 of the EIR.

date: May 25, 2007

from: William Kloetzer, Ph.D.

e-mail address: wkloetzer@sbcglobal.net

to: Christer Westman, Senior Planner

The following is a comment and proposed change to the Draft EIR for the **Ponto Beachfront Village Vision Plan**.

II-1

Mitigation Measure B-1c (Table S-1) reads: "Impacts to 1.2 acres of unoccupied Diegan coastal sage scrub (including disturbed) shall be mitigated at a 2:1 ratio through the off-site acquisition of 2.4 acres within the City's proposed preserve plan."

The proposed change to section B-1 is to consider for mitigation the acquisition of land not necessarily part of the City's preserve plan. Specifically, this would include parcel #20710134 (Hall Land Company/Hallmark Communities) located on the north shore of Agua Hedionda Lagoon and adjacent to the Ecological Reserve.

Comment Letter II – William Kloetzer, PhD

II-1 Comment noted. The City will consider this option.

Mitigation Measure B-1c has been revised to read "Impacts to 1.2 acres of unoccupied Diegan coastal sage scrub (including disturbed) shall be mitigated at a 2:1 ratio through creation at a minimum 1:1 ratio (to meet the no net loss policy of Diegan coastal sage scrub within the coastal zone) and either creation or off-site acquisition at a 1:1 ratio. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of final map."

RECEIVED

MAY 25 2007

CITY OF CARLSBAD
PLANNING DEPT

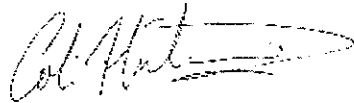
Comment Letter JJ – Colin Huntermer

JJ-1 Dear Carlsbad City Council,
I am writing this letter in regards to the Ponto EIR. I was really disappointed in the 1990's with all of the homes built east of the State Campground along the 101 corridor because there are no public parks and or access for the rest of the citizens of Carlsbad.

JJ-2 I strongly recommend that the Ponto area have plenty of free parking, beach access, bike paths, walking trails, limited building near the lagoon, and please no more exclusive gated communities.

Thank You

Colin Huntermer
2349 Carlinga Way #1
Carlsbad, Ca 92009



JJ-1 Comment noted. The Vision Plan proposes a number of active and passive recreational resources including a linear park along Carlsbad Boulevard, an interpretive wetland park, improved parking access to the state beach, a link to the regional trail system, a boardwalk trail and multi-use path among other on- and offsite trails, a community nature/arts center, putting course, plazas, courtyards and pedestrian spaces.

In addition, as individual properties are developed within the Ponto Area, owners would be required to be consistent with the LFMP for park and recreational uses. As the provision of parkland within the southwest quadrant of the City has been satisfied, landowners would be required to pay Park in-lieu fees for parkland. No additional dedication of parkland is required.

JJ-2 Comment noted. Adequate onsite parking would be provided for the land uses proposed (i.e. mixed-use, commercial and hotel facilities) within the Ponto Area, per City of Carlsbad parking standards. The Vision Plan envisions the incorporation of both active and passive recreational facilities with future development within the Ponto Area. The Plan proposes a series of trails and pathways for pedestrian and bicycle circulation, a Beachfront Resort multi-use trail, a connection to the regional trail system, a pedestrian underpass to the State Beach, and a connection to the Coastal Rail Trail. In addition, the development footprint has been designed so as to minimize or avoid impacts to sensitive biological habitats and species, thereby buffering future development from the Batiquitos Lagoon.

Gated communities are not proposed with the Vision Plan; however, if a gated community were proposed, this design feature would be considered by the City during a future application review process.

From: <erdag@sbcglobal.net>[PRIVATE]
To: <Planning@[205.142.109.13]>
Date: 5/27/2007 10:06:17 PM
Subject: CITY OF CARLSBAD | CONTACT US

A visitor to the City of Carlsbad Web site has completed and posted the "Contact Us" form to department, Planning.

FOR SECURITY REASONS, DO NOT CHANGE THE SUBJECT LINE.

Below, please find the information that was submitted:

How has the environmental impact of the Ponto construction project lessened? Before any approval is given by the city to begin construction this point needs to be made VERY clear by both the city and contractors to the public. It seems that there is no way that the number of buildings, people, and the increased traffic this proposed project will bring to the area could lessen the impact on the environment. What is the city plan? What is the plan of the builders? It seems that the huge financial gain made by the builders and city take precedent over protecting the environment and providing a quality lifestyle to those who all ready live here.

erdag@sbcglobal.net
Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.1.4322; PeoplePal 3.0)
76.212.189.131

KK-1

Comment Letter KK – erdag@sbcglobal.net

KK-1 As identified in the Environmental Impact Assessment Form - Initial Study prepared for the Ponto Vision Plan (released for public review in June 2006), development of the Ponto Area would result in potentially significant impacts relative to agricultural resources, geology and soils, hydrology and water quality, land use and planning, public utilities and services, air quality, biological resources, cultural resources, hazards and hazardous materials, noise, traffic and circulation, and visual resources. Through the EIR analysis, it was determined that development of the Ponto Area would result in significant impacts relative to air quality, biological resources, cultural resources, hazards and hazardous materials, noise, traffic and circulation, and visual resources. As required by CEQA, the EIR proposes mitigation measures to reduce potential impacts to these resources to less than significant or to the maximum extent practicable. In doing so, the environmental impact of the proposed development of the Ponto Area would be reduced to less than significant, consistent with the requirements of CEQA.

In addition, the Vision Plan provides a guide for future development within the Ponto Area, as directed by the City of Carlsbad's General Plan and the South Carlsbad Coastal Redevelopment Area Project (SCCRA - approved in the year 2000). Future land uses proposed would be required to be consistent with the Vision Plan, as determined by the City.

As part of the development process, landowners of individual properties within the Ponto Area would be required to submit an application for review by the City. Similar to development on other privately owned lands within the City, landowners within the area affected by the Vision Plan would have the right to develop their properties consistent with the existing zoning designations, or with City approval of a rezone. All future development would be subject to applicable federal, state and local environmental regulations to ensure that impacts to the environment remain less than significant. If determined necessary by the City, site-specific environmental analysis (i.e. for hydrology or noise) may be performed at the time when an owner submits an application for development.

Lands within the Ponto Area are privately owned. Therefore, implementation of the Vision Plan or approval of the EIR would not directly result in financial gain of any landowner within the Ponto Area. Landowners would be allowed to develop their properties when and if desired, and would be subject to requirements to reduce environmental impacts to less than significant, consistent with mitigation measures given

Comment Letter KK – erdag@sbcglobal.net

in the EIR, or as otherwise determined through the site development process.

From: Duane Stucki <duanestucki@yahoo.com>{PRIVATE }
To: <Cwest@ci.carlsbad.ca.us>, <dfoun@ci.carlsbad.us>
Date: 5/25/2007 10:39:36 PM
Subject: PONTO EIR

To The City of Carlsbad,

LL-1

I am opposed to the findings of the EIR and am concerned that the timeshare structure built on the empty parcel of land located near the Batiquitos Lagoon will be an eyesore to the entire community as is the one built on the coast near the Carlsbad Coaster Station which looks like a prison or some other government or military structure. Also, I cannot comprehend the need for more timeshare property in this city which is over run with vacant hotel space and which has a newly opening resort above Legoland slated to have 350 hotel rooms and 350 timeshare units. Can't the city think of better uses for the land than this obliteration of the only remaining bluff front property in San Diego's north county? Please note that I am opposed to the construction of this timeshare built out to maximum capacity on this bluff and the three story garage structure that is proposed and I will make every concerted effort to ensure that no such development of this kind is supported by the community.

LL-2

Signed,
Duane Stucki

Finding fabulous fares is fun.
Let Yahoo! FareChase search your favorite travel sites to find flight and hotel bargains.

Comment Letter LL – Duane Stucki

LL-1 Future development would be reviewed for consistency with the City of Carlsbad ordinances, as well as those guidelines set forth in the Vision Plan; refer also to Sections 5.7, Visual Aesthetics and Grading, and 5.11, Land Use and Planning, of the EIR. In addition, a portion of the Ponto Area lies within the South Carlsbad Coastal Redevelopment Area (SCCRA), established by the City of Carlsbad in July 2000. As such, the area has long been intended for development.

Comment noted. The proposed timeshare development would be consistent with the existing zoning (PC – Planned Community – Poinsettia Shores Master Plan) and the Poinsettia Shores Specific Plan and would not require a rezone prior to development. The timeshare development would be consistent with the land use allowed by the City under the PC zone and would not represent a conflict; refer to Section 5.11 of the EIR for additional discussion.

Refer also to Response to Comment KK-1, above.

LL-2 Comment noted. Refer to Response to Comment LL-1 above.

In addition, if a parking structure were proposed with development of the site, the structure design would be required to conform to height and design restrictions of the City of Carlsbad's zoning ordinance and Local Coastal Program requirements. All plans would be submitted to the City for review of consistency with such requirements, prior to approval.

Christer Westman - EIR comments

From: "Barre, Ole" <OBarre@ene.com>
To: <cwest@ci.carlsbad.ca.us>
Date: 5/22/07 10:06:22 AM
Subject: EIR comments

MM-1

I noticed that there is no recreation element/subheading in the EIR. Why has there been little consideration for the effects on public recreation that would be negatively affected by the proposed development?

If this email doesn't constitute an official comment, please let me know how to submit a more detailed letter to you.

Thanks,

Ole Barre
ecology and environment, inc.
437 J Street, Suite 207
San Diego, CA 92101
(819) 696-0578 ex. 4902
<<Barre, Ole.vcf>>

Comment Letter MM – Ole Barre

MM-1 Comment noted. Potential project impacts on recreational resources are addressed in Section 11, Land Use and Planning, and Section 5.12, Park Facilities. As discussed in the EIR, with adoption of an amendment to the Zone 20 Local Facilities Management Plan (LFMP), sufficient existing and projected parkland was identified through buildout of the Southwest Quadrant in which the Ponto Area is located. To ensure the continued provision of parkland within the District and conformance with LFMP performance standards for Zones 9 and 22, developers within the Ponto Area would be required to pay Park-in-Lieu fees and Public Facilities Fees for the financing of parks, as no additional dedication of parkland is required.

However, the Vision Plan envisions the incorporation of both active and passive public recreational facilities with future development of the Ponto Area. The Plan proposes a series of trails and pathways for pedestrian and bicycle circulation, a Beachfront Resort multi-use trail, a connection to the regional trail system, improved parking and a pedestrian underpass for the State Beach, a community nature/arts center, putting course, plazas, courtyards and pedestrian spaces.

The Vision Plan also envisions a linear park along the west side of Carlsbad Boulevard. The public park would offer a multi-use path, picnic tables, and benches, among other amenities. In addition, the Vision Plan proposes a wetland interpretive park, combined with other public areas for active and passive recreation, linked by a variety of walkways and trails for recreational purposes. These amenities would be available for public use.

From: <vjcdcc@roadrunner.com>{PRIVATE }
To: <Planning@205.142.109.13>
Date: 5/21/2007 5:35:09 PM
Subject: CITY OF CARLSBAD | CONTACT US

A visitor to the City of Carlsbad Web site has completed and posted the "Contact Us" form to department, Planning.

FOR SECURITY REASONS, DO NOT CHANGE THE SUBJECT LINE.

Below, please find the information that was submitted:
Ponto beachfront vision plan:

As a resident of south carlsbad I appreciate my little slice of paradise everyday. I am opposed to the redevelopment for the following reasons:

- NN-1 [1. Environmental impact, too close to Batiquitos Lagoon a fragile area already threatened by all the housing, traffic and noise.
- NN-2 [2. Lack of adequate road access and parking making an already growing traffic problem, even worse.
- NN-3 [3. Lack of open space/parks. People are living on top of each other in all of Southern California. How about a park? City can generate money with paid parking.
- NN-4 [4. Lack of improvements at Ponto beach. With more people using this beach it will be mandatory for restrooms, showers, parking, trash cans and trash pick-up, etc. I do not think the State Parks has funding for this.
- NN-5 [***The citizens of south carlsbad would be willing to look at purchasing the land if it were to be used in a more environmentally friendly way. It seems that the city of carlsbad will not rest until every last piece of property is developed. How about using the mentality of Santa Barbara government and residents? Make the city a jewel, a place that is special because of the progressive thinking of our leaders. We don't have much time left to save the few remaining areas. Thank you. Val Cowan.

valerie cowan
7366 escallonia ct carlsbad, ca 92011 usa
vjcdcc@roadrunner.com
Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1; .NET CLR 1.1.4322;
InfoPath.1; .NET CLR 2.0.50727)
76.176.3.188

Comment Letter NN – Valerie Cowan

NN-1 The development envelope would be set back from the edge of the bluff to distance future development from the Lagoon below. In addition, a permanent fence would be installed along the development boundary to restrict access to the Lagoon from this ownership. Applicable mitigation measures to reduce potential short-term (construction) and long-term (operational) impacts on the Batiquitos Lagoon are provided in Sections 5.2, Biological Resources, 5.5, Noise, and 7.0, Analysis of Long-Term Effects, to reduce potential impacts to less than significant. Refer also to Response to Comments GG-1 and Q-6.

NN-2 The Traffic Constraints Study prepared for the Vision Plan was prepared in conjunction with City of Carlsbad traffic engineers, and with consideration for public input received with regards to summer traffic counts and concerns for project impacts on area roadways. The existing roadway system was analyzed and mitigation measures are proposed in the EIR to reduce potential impacts resulting from future development of the Ponto Area to less than significant. Proposed improvements to roadway segments and intersections would be in accordance with City engineering standards and would also enhance pedestrian, bicycle and vehicular safety.

Adequate parking would be provided onsite with each proposed land use, consistent with City parking standards. Refer also to Appendix G of the EIR.

NN-3 Comment noted. Refer to Response to Comment MM-1.

NN-4 As stated above, the Ponto Vision Plan envisions provision of parking along Carlsbad Boulevard for the State Beach, and a pedestrian underpass under Carlsbad Boulevard to allow for movement between the Ponto Area and the beach. Recreational facilities provided onsite at the hotels or timeshares (such as pools) may also influence guest visitation of the beach, as visitors may choose to remain within the Ponto Area rather than venture to the beach. Although future development of the Ponto Area and associated improvements would attract visitors to the general area, it would be speculative to estimate to what degree an increase in visitation of the State Beach would occur. Reasonable foreseeable environmental impacts potentially occurring with future development of the Ponto Area were analyzed in the EIR.

In addition, the lack of funding for additional services is not an environmental issue and is therefore, not considered in the EIR. This would be a matter to be addressed in the State Parks Master Plan, with

Comment Letter NN – Valerie Cowan

budgeting for increased facilities and services (i.e. restrooms, trash pick-up, etc.) being assigned at the state level.

- NN-5 Comment noted. As lands within the Ponto Area are privately owned, and not City property, the option for the City to purchase this land for use as a park would be an option for consideration by the City Council, not as a matter of identifying environmental impacts with development of the Ponto Area. In addition, a portion of the Ponto Area has been identified as a redevelopment area, and as such, is intended for development by the City and as consistent with the intent of the Local Coastal Program for development within coastal areas. Refer also to Response to Comment KK-1.

From: "Julie Gengo" <yogablu@cox.net>
To: <cwest@ci.carlsbad.ca.us>
Date: 5/22/07 7:50:54 AM

OO-1 [How can you ensure that the environment will be protected? Developers are notorious for making promises and not keeping them. Can you put this into their contracts without any clauses with steep, steep fines for not complying? Will there be adequate parking? Will beach goers have to pay parking fees?

OO-2 [These are my concerns. Surfrider is opposed as the environmental scope was not adequately studied. I think once again developers are receiving another free ticket to do as they will.

OO-3 [I'm opposed to this project unless you can prove that all the environmental concerns will not be concerns after construction is complete.

Cheers,
Julie

Julie Gengo
P.O. Box 217 * Cardiff by the Sea, CA 92007
760-635-9118 * 760-822-2900 (mobile)

"And the day came when the risk to remain tight in a bud was more painful than the risk it took to blossom." - Anais Nin

Please sign The One Declaration and make world poverty history: www.one.org Join the Virtual March to stop Global Warming www.stopglobalwarming.org Sign up for fun, free eco-living tips at www.idealbite.com"

Comment Letter OO – Julie Gengo

OO-1 Consistent with the requirements of CEQA, the EIR evaluated potential project impacts and determined that future development of the Ponto Area would result in significant impacts relative to air quality, biological resources, cultural resources, hazards and hazardous materials, noise, traffic and circulation, and visual resources. As required by CEQA, the EIR proposes mitigation measures to reduce potential impacts to these resources to less than significant. In doing so, the environmental impact of the proposed development of the Ponto Area would be reduced to less than significant, consistent with the requirements of CEQA. If the EIR is certified, all future development within the Ponto Area would be required to implement the mitigation measures proposed in the EIR as part of the application review and approval process. These mitigation measures would be applied during the design stages, and landowners would be required by the City and state and local agencies to apply them to development during both short-term (construction) and long-term (operation) stages. Violation of the mitigation measures deemed applicable to a particular project would be punishable at the appropriate government level (i.e. City or wildlife agencies).

All parking would be provided onsite at ratios consistent with the City of Carlsbad parking standards to ensure that adequate parking is available to serve future development within the Ponto Area. Review of future applications would be required as part of all future land development. Individual applicants would submit development application proposals to the City for review and approval to reduce potential impacts relative to parking shortages.

No additional fees are proposed for parking along Carlsbad Boulevard with the EIR.

OO-2 Comment noted. See Responses to Comments OO-1 and KK-1.

OO-3 Comment noted.

From: Christer Westman
To: w.oconnell@sbcglobal.net
Date: 5/25/07 11:05:53 AM
Subject: Re: Ponto

Thank You Diane for your correspondence. Your comment and question relates directly to the pending application for a hotel at the northeast corner of Ponto Drive and Carlsbad Boulevard (File SDP 05-14). As part of the review of that project we will be looking at the points of access and will take into account your comment on proximity to hanover beach colony.

Christer Westman AICP
cwest@ci.carlsbad.ca.us

PP-1 [>>> <w.oconnell@sbcglobal.net> 5/25/07 10:50:24 AM >>>
I am a resident of Hanover and I am concerned that the entrance for the proposed hotel etc is off Ponto. I feel it will greatly impact our community in a negative way. Why can't the access be from the south only, since that development will involve more commercial property than our solely residential neighborhood. I would appreciate a response.

Thank you,
Diane O'Connell

CC: bilocnl@yahoo.com

Comment Letter PP – Diane O'Connell

PP-1 Comment noted. Language has been added to Section 5.5.4 to restrict main access and service drives associated with the proposed Garden Hotel use from being located directly across from existing residential uses. Roadway alignment for Ponto Road would be consistent with City of Carlsbad engineering standards with respect to intersection spacing, operation, and optimal circulation. Additional language was also added to require a landscaped buffer to distance the Garden Hotel use from existing residential uses.

From: "elaine shady" <lvshady@roadrunner.com>
To: <Cwest@ci.carlsbad.ca.us>
Date: 5/25/07 7:09:44 AM
Subject: draft Ponto EIR

QQ-1

[my husband and I are in opposition to the findings of the EIR and the southern most portion of the development where a proposed 3 story timeshare structures are proposed to be built due to the amount of increase traffic, noise and crime that could be. I think they should go back to the drawing board. I don't want a parking garage view from my beautiful home. The Lagoon has to be protected . This development is way tooooooooo large for our corner

Please restudy this project

Mr. and Mrs. Michael Shady

Comment Letter QQ – Elaine and Michael Shady

QQ-1 Comment noted.

The EIR addresses potential impacts resulting from development of the Ponto Area that may result from increased traffic and noise. Refer to Responses to Comments for letters B and I regarding issues relative to traffic. Refer to Responses to Comments Z-7 and KK-1 for discussion of potential noise impacts resulting from the project.

An increase in crime is not anticipated due to future development of the site. Although human activity would increase in the area, a direct relationship between increased visitation to the area and crime would be speculative. Refer also to Response to Comment KK-1 which addresses future development of the Ponto Area with regards to land ownership.

Please refer to Responses to Comments U-1 and U-3 regarding visual resources and potential project impacts.

The EIR includes analysis of potential project impacts to the Batiquitos Lagoon with regards to Biological Resources (Section 5.2) and Hydrology and Water Quality (Section 5.10). Refer to Responses to Comments A-18 and N-8.

From: Rick Revier <rickandtrishrevier@yahoo.com>
To: <Cwest@ci.carlsbad.ca.us>
Date: 5/25/07 11:02 PM
Subject: PONTO



To the City of Carlsbad,

I have just come from a meeting with several of my neighbors and we have vowed to let the City of Carlsbad know of our displeasure and objection to the Ponto EIR and the findings to support the development of the lot near the Batiquitos Lagoon which is our main area of concern. This land should be preserved as a community recreation area and if ever it is to be developed and if ever it is to be considered a hotel property it should only be developed minimally, such as that of The Montage in Laguna which leaves a very large portion of the land available to the public for use as a park, picnic and recreation area. As it appears in the Ponto Vision Plan and the EIR, the structure projected to be built on this parcel is built out to the very setbacks of the parcel and nearly every available space is built out as a 3 story mammoth structure. This is NOT acceptable and we will converge in a community effort to ensure that this structure as proposed is never erected. Again,

if a very high end, 5 star luxury boutique hotel the likes of the Inn L' Auberge (located in Del Mar) and the Montage (located in Laguna) were proposed which also ensure public accessibility and preserve much of the surrounding landscape and environment then I could and would be willing to support such a project. But as it stands, the proposed timeshare is cheap and manufactured looking and is not aesthetically suitable to the surrounding environment. Therefore, I would have to object to the findings of the EIR as well as the original Ponto Vision Plan. Why can't the City of Carlsbad have at least as much "vision" as Laguna or Del Mar and build a luxury resort if they plan to build anything at all instead of selling out to these timeshare developers? Do the community a favor and think about future generations who do not need or want to look at prison style 3 story structures when there are stylish boutique hotels out there from which to emulate?

From Rick and Trish Revier
Members of the San Sebastian/San Pacifico Homeowners Association

Get the free Yahoo! toolbar and rest assured with the added security of spyware protection.

Comment Letter RR – Rick and Trish Revier

RR-1 Comment noted. The Increased Recreational Amenities / Green Space Alternative (see Figure 6-6 of the EIR) has been prepared to address this option. Refer also to Section 6.8 of the EIR for the analysis. The limits of the development footprint are illustrated in Figure 6-6; however, structures built on the southern parcel would be required to conform with setback requirements (from the property line) as established for the Planned Community (PC) zone and the Poinsettia Shores Master Plan. Development will also be required to be consistent with the height requirements of the Carlsbad Zoning Ordinance and the Local Coastal Program. Refer also to Responses to Comments U-1 and U-3.

RR-2 Refer to Responses to Comments U-1 and U-3.

On page 25, the Vision Plan states that "A public trail around the perimeter the Beachfront Resort ensures that the large development does not preclude community views to the lagoon and ocean. Instead, the resort becomes a community amenity and is an integral part of the Ponto Beachfront Village. A multi-use trail approximately 10 to 12 feet wide is envisioned..." Therefore, continued public access and views of the ocean and lagoon would occur following development of the Ponto Area.

Refer also to Response to Comment KK-1 and RR-1 above. Refer also to Section 5.7, Visual Aesthetics and Grading, of the EIR.

From: <christina.bennett@sduhsd.net>
To: <Planning@[205.142.109.13]>
Date: 5/25/2007 8:25:07 AM
Subject: CITY OF CARLSBAD | CONTACT US

A visitor to the City of Carlsbad Web site has completed and posted the "Contact Us" form to department, Planning.

FOR SECURITY REASONS, DO NOT CHANGE THE SUBJECT LINE.

Below, please find the information that was submitted:
Commenting on the EIR for the Ponto Development: Please ensure this plan, whenever it is executed that the traffic, noise pollution, visual appearance, storm drainage, etc. are seriously and thoughtfully addressed. The surrounding roads as they are now cannot support such an estimated increase in traffic. There is great risk in harming the coastline - the natural state of the coastline cannot and should not be taken for granted. Thank you for your consideration.
Christina Bennett

christina bennett
carlsbad, ca 92011
christina.bennett@sduhsd.net
Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.1.4322)
209.66.200.45

Comment Letter SS – Christina Bennett

SS-1 Potential impacts relative to Traffic and Circulation (Section 5.6), Noise (Section 5.5), Visual Aesthetics and Grading (Section 5.7), Hydrology and Water Quality (Section 5.10), as well as Long-term Effects (Section 7.0), are addressed and analyzed within the EIR. Technical studies are provided as appendices and the analysis, potential impacts, and required mitigation measures are summarized within each section of the EIR as required by CEQA. Mitigation measures are proposed as appropriate to reduce potential impacts to less than significant or to the maximum extent practicable.

The Traffic Constraints Study (see Appendix G of the EIR) was prepared in conjunction with the City of Carlsbad, and with consideration for public input received, to assess potential concerns and evaluate potential impacts to area roadways. The traffic analysis identifies potential impacts and proposes mitigation measures in the form of roadway and intersection improvements to reduce impacts to less than significant. The EIR analyzes potential traffic impacts both with and without the proposed project to identify the required improvements necessary to ensure that infrastructure would be adequate to support future development of the Ponto Area, and to minimize project impacts on the existing circulation system. Development of the Ponto Area as envisioned by the Vision Plan and analyzed in the EIR would be consistent with the City of Carlsbad General Plan Circulation Element.

All future development within the Ponto Area would be required to be consistent with applicable City policies and ordinances, land use plans, and federal, state and local policies and plans, including regulations for the protection of lands within the Coastal Zone, to minimize or avoid potential impacts to the environment and sensitive resources. Development of individual properties within the Ponto Area would be required to implement site-specific mitigation measures from the EIR as appropriate, as well as such measures as Best Management Practices (BMPs) to reduce potential impacts to coastal resources to less than significant.

May 28, 2007

Christer Westman
Senior Planner
City of Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, California 92008

Re: Draft EIR 05-05 (SCH #20007031141)
Ponto Beachfront Village Vision Plan

Dear Mr. Westman:

RECEIVED

MAY 29 2007

CITY OF CARLSBAD
PLANNING DEPT

TT-1

I am concerned that the Environmental Impact Report (EIR) prepared on the Ponto Beachfront Village Vision Plan fails to adequately address public concerns raised in 2006 on the Mitigated Negative Declaration (MND) for the same project. I applaud the Carlsbad City Council for deciding after the 2006 public hearings on the MND that a full EIR was warranted on the Plan. The City Council acknowledged the public concerns that a more thorough analysis of the impacts from the Plan was needed. While the EIR is a lot longer and has a lot more data than the MND, in many respects it does not provide much more objective analysis. Therefore, please consider my comments in this letter as well as comment letters of July 4, 2006 on the EIR scoping and June 28, 2005, on the MND, since they are still not fully addressed. Following are a sample of some of the problems with the EIR, as well as my recommendations for how to improve the Vision Plan.

TT-2

Visual Resources: In Appendix 6.5, the EIR states that building a hotel south of Avendia Encina in the Proposed Action would have similar impacts to visual resources as would leaving the same area as open space/park in the Increased Residential Use/Open Space Alternative. I fail to understand how the author could reach this conclusion. In Section 5.7.3.1, the EIR says that implementation of the Vision Plan is not anticipated to disrupt the pattern of the visual environment. I feel the incredibly dense development of multiple hotels, mixed use, commercial, three story parking garages, and other facilities clearly would change the pattern of the visual environment. The EIR fails to reasonably document the impacts from this array of structures to the many sensitive viewers in the area, such as bicyclists and sightseers driving along the scenic coastal highway, recreationists, campers, and coastal buffs.

TT-3

Array of Alternatives: The EIR arbitrarily lumps together Increased Residential Use with Open Space into an alternative to the Proposed Action. Then the EIR concludes that this alternative conflicts with the LCP goal of providing visitor serving commercial in the coastal zone. Okay, if that's the case, change the alternative. Combine one of the hotels and some of the restaurants or other visitor serving facilities with Open Space as an alternative. Just because the EIR chose to combine a lot of townhomes as part of an Increased Residential Use with the only alternative that includes much Open Space is not a reason to conclude that Open Space creates a fatal flaw with the LCP.

Comment Letter TT – Greg Thomsen

TT-1 Comment noted.

TT-2 The EIR evaluated potential visual impacts that may result from implementation of the Vision Plan, as compared to the proposed alternatives. In Section 5.7 of the EIR, no significant impacts to visual resources were identified, based on the thresholds of significance used to evaluate such impacts. These thresholds were taken from Appendix G of the CEQA Guidelines and are therefore a standard means of evaluating potentially significant impacts. The EIR analysis for such impacts was based on the understanding that the Ponto Area is largely undeveloped; however, as evaluated utilizing the thresholds of significance, no significant impacts were identified with respect to visual resources. Therefore, the Increased Residential Use / Open Space Alternative would have similar impacts as compared to development proposed with the Vision Plan, as impacts would be less than significant; refer to Table 6-1.

The EIR gives City Standard Conditions of Approval that would be applied to proposed future development to minimize potential project impacts to the existing visual environment; refer to Section 5.7.4. In addition, all future development proposed within the Ponto Area would be subject to City review for consistency with applicable development standards, policies and ordinances pertaining to development, including Coastal Zone regulations and design and zoning standards for development along the scenic corridor, to minimize potential effects on visual resources.

Refer also to Responses to Comment KK-1.

TT-3 Comment noted. Analysis of the Increased Residential Amenities/Green Space Alternative was added to the EIR. Refer to Response to Comment N-3 and Section 6.8 of the EIR.

TT-4

Objective Analysis: Throughout the EIR the authors make leading statements that the Vision Plan is inherently superior to no Plan. The EIR assumes a worst case scenario of what would happen to the Ponto area absent the Vision Plan. This is highly speculative and self-serving of the Vision Plan. The EIR makes conclusions like that the Vision Plan would reduce density and therefore reduce impacts. I am baffled by the assumption that the incredible urban density proposed in the Vision Plan would reduce impacts.

TT-5

Vision Plan Shortcomings: I believe the planning staff's longstanding bias that the Vision Plan is inherently good and the best thing for Ponto still is apparent in the EIR. For example, the Plan touts the benefits of creating a wetland interpretive park. This would be so small as to not be viable. Planning staff made comments during the public hearings on the MND that the Plan envisions Ponto as a village, akin to the "village" concept in downtown San Diego. I certainly don't think we want to import what fits in downtown San Diego to one of the last few open areas along the Southern California coast. There seems to be a fatalistic belief that Ponto is going to be developed anyway, so we might as well at least make it look nice.

We are talking about a "Vision" Plan. That is the issue. What is Carlsbad's vision for Ponto. Staff's vision still appears to be that Ponto contains several vacant, blighted and underutilized parcels. There seems to be an urgency to take this unique, undeveloped area and cram as much development into it as possible. I think the Vision Plan puts forth a limited vision. I feel this shortchanges the potential of Ponto. Placing open space/parkland on the parcel south of Avenida Encinas would protect the important uplands above the Batiquitos Lagoon wetland preserve. It would provide invaluable open space to coastal aficionados and a beautiful gateway to the southern entrance to Carlsbad. Placing a small park/greenbelt by the entrance to the Hanover Colony would buffer that neighborhood of young children and upscale homes from proposed hotels and address the serious concerns re: safety, visual, and incompatible use impacts. Providing a lesser density of hotels, restaurants, shops and other amenities would meet many of the objectives of the Vision Plan. Collectively, these facilities and the open areas would provide the balanced tourist serving opportunities desired by the California Coastal Commission.

TT-6

Ponto can be a win/win. It can be a jewel for Carlsbad and the Southern California coast. The Carlsbad City Council has elsewhere shown a willingness to value and fund open space, parks, golf courses, and a reasonable density of tourist serving facilities.

Thank you for your consideration.

Sincerely,



Greg Thomsen
7155 Linden Terrace
Carlsbad, CA 92011

Comment Letter TT – Greg Thomsen

TT-4

The EIR analysis is based on the understanding that the Ponto Area is largely undeveloped in its current state, and therefore potential impacts are evaluated by comparing existing conditions to those which would occur with implementation of the Vision Plan. It is recognized that individual property owners may choose not to develop or redevelop their lands in the future. Without adoption of the Vision Plan, individual property owners could propose land development as allowed under the existing zoning and General Plan land use designations. The Vision Plan simply provides a guide for future land uses, as well as design guidelines, to reduce the potential for significant impacts to occur if an owner so chooses to propose development. Discussion within the EIR has been revised to reflect this issue as appropriate.

See also Response to Comment SS-1.

TT-5

Comment noted. Refer to Response to Comment TT-4 above. As stated in Section 3.0, Project Description, and 5.2, Biological Resources, of the EIR, the majority of the habitat within the Ponto Area is either disturbed, developed or of low habitat value; refer to Figure 5.2-2. The wetland interpretive park would minimize impacts to the limited area of wetland habitat onsite and would provide a recreational and educational resource for visitors to the site. Impacts to jurisdictional wetlands would be mitigated to a less than significant level with implementation of the proposed mitigation measures B-2a and B-2b.

The Vision Plan provides guidelines to achieve an overall visual cohesiveness between future land uses within the Ponto Area. Although the Ponto Area is located within an urban area, the intent of the Plan is to create a series of "neighborhoods" with compatible uses that meet the goals of the City and are consistent with applicable plans, policies and regulations. The Plan recognizes the scenic location and historic importance of the Ponto Area and sets forth a plan to guide future development that respects the unique physical and historic characteristics of the area, while recognizing its coastal location along well-traveled Carlsbad Boulevard. It is not assumed that all of the Ponto Area would develop regardless of adoption of the Vision Plan. The EIR considers the four applications for land development submitted on private ownerships within the Ponto Area to date, and recognizes the potential type and character of future development that could occur without adoption of the Vision Plan under the existing General Plan land use and zoning designations.

Comment Letter TT – Greg Thomsen

TT-6 Comment noted. See Response to Comment TT-5 above. As stated, the Vision Plan is intended to provide a guide for future development of the Ponto Area. The Plan does not encourage growth, nor require that the privately owned parcels be developed at any time in the future, as it would be the decision of individual landowners to do so at the time when they so desired. The Vision Plan EIR evaluates significant environmental impacts that could potentially result from future development, and provides mitigation to reduce such impacts to less than significant, or to the extent feasible (i.e., air quality).

An additional alternative, the Increased Recreational Amenities / Green Space Alternative, has been added to the EIR to consider development of a public park on a portion of the southern parcel, adjacent to the multi-use trail envisioned by the Vision Plan. Refer to Section 6.8 of the EIR for additional discussion.

Mitigation measures have been revised to require a landscaped buffer between the Garden Hotel use and the Hanover residential area. Mitigation has also been amended to restrict the location of the main entrance and service driveways associated with hotel use within the Commercial Tourist (CT) zone so they are not located directly across from the existing residential areas, thereby reducing potential effects on child safety and the existing residential uses. Refer to Section 5.5 of the EIR.

Refer also to Response to Comment TT-4 above.

From: Mueller Family Mueller <annmueller@sbcglobal.net>
To: Christer Westman <Cwest@ci.carlsbad.ca.us>
Date: 5/14/07 12:57:51 PM
Subject: Re: The Ponto Beachfront Village Vision Plan EIR is available for review

UU-1

[Thanks so much for sending current information about the proposed Ponto Beachfront Village. We fully support the project and are very impressed with the professionalism we've seen by the City of Carlsbad Planning Department as this dynamic project unfolds.

We would like to remain on your e-list.

Keep up the good work!!

Ann & Bob Mueller

Christer Westman <Cwest@ci.carlsbad.ca.us> wrote:

Hi,
I just wanted to make sure that you knew that the Ponto Beachfront Village Vision Plan EIR is posted on the City of Carlsbad Planning Department website. The link follows:

<http://www.carlsbadca.gov/pdfdoc.html?pid=527>

If the link is not live, cut and paste it into your web browser.

See the attached notice for other locations to view the EIR.

Christer Westman AICP
cwest@ci.carlsbad.ca.us

Comment Letter UU – Ann and Bob Mueller

UU-1 Comment noted.

VV-1 [

In regards to the Ponto EIR. I hope you have plenty of free parking, beach access, bike paths, walking trails, limited building near the lagoon and NO GATED communities.

Thanks for taking the public's input in order to make this last stretch of coastline something to be proud of for our future generations.

W. J. Ruggles

Bill Reynolds

Oak Crest Middle School

Encinitas Ca.

92024



Comment Letter VV – Bill Reynolds

VV-1 Comment noted. Refer to Responses to Comments H-3, JJ-1 and JJ-2 and U-2.

From: "DJ Henry" <djhenry007@hotmail.com>
To: <Cwest@ci.carlsbad.ca.us>
Date: 5/29/2007 4:48 PM
Subject: RE: The Ponto Beachfront Village Vision Plan EIR is available for review

Dear Mr. Westman,
Here are some comments and questions regarding the Ponto Beachfront Village Vision Plan EIR. Please let me know if email is not sufficient and that a paper copy needs to be submitted.

- WW-1 [Traffic:
-Avenida Encinas: report seems to indicate the Avenida Encinas would be able to handle projected traffic and no mitigation/changes needed. Yet, the La Costa / Vulcan intersection would be impacted. Why is this?
- WW-2 [What will be the Traffic, Noise, Pollution, and Other areas of impact to homes on and off of Avenida Encinas? Also, to the homes facing the Project? During construction phases and after?
- WW-3 [Any projection on the number of additional cars that will attempt to park in neighborhoods in order to avoid paying for parking? Thoughts on how to address this?
- WW-4 [Will the stop sign at Avenida Encinas and Portage Way/Marlin Lane remain adequate given the projected traffic?
- WW-5 [Biological:
What is the impact to the Least Tern Preserve? Regarding the Least Tern Preserve in the Batiquitos Lagoon, the EIR states that, "These three species are susceptible to disturbance from construction; however, little suitable habitat for these species occurs within the Ponto Area." This least tern preserve seems significantly used and used more (by the least terns) in comparison to other preserve areas, like the one further in - west of the Aviara golf course.
- WW-6 [When and how will it be determined if sensitive species like the least tern have been displaced from their nests or failed to breed? Will there be periodic surveys? What will happen if the mitigation efforts outlined in the EIR were not sufficient?

thank you,
Debra Henry

From: "Christer Westman" <Cwest@ci.carlsbad.ca.us>
To: "Christer Westman" <Cwest@ci.carlsbad.ca.us>
Subject: The Ponto Beachfront Village Vision Plan EIR is available for review
Date: Mon, 14 May 2007 08:12:09 -0700
>Hi,
>I just wanted to make sure that you know that the Ponto Beachfront Village Vision Plan EIR is posted on the City of Carlsbad Planning Department website. The link follows:
>
><http://www.carlsbadca.gov/pdfdoc.html?pid=527>

Comment Letter WW – Debra Henry

WW-1 Refer to Figure 5.6-3 through 5.6-7 and Figures 7-4 through 7-7. As shown, the La Costa/Vulcan Avenue intersection currently operates at LOS D and C during the AM and PM peak hours. With the addition of the future development of the Ponto Area as proposed, this intersection would operate at LOS F and E, as shown in Table 5.6-5. Therefore, a significant impact would occur and mitigation is proposed.

With consideration for the 2010 (cumulative) analysis, development of the Ponto Area combined with traffic from existing and future projects, would result in a similar impact. As modeled for the traffic analysis, a greater number of vehicle trips are anticipated to be distributed along Carlsbad Boulevard to La Costa Avenue, whereas a lesser number of vehicle trips are anticipated along Avenida Encinas. Project-generated traffic, considered with other existing and future projects, was not determined to result in a significant impact along Avenida Encinas, using the thresholds of significance. Refer also to Responses to Comments for Letters DD and I.

WW-2 Refer to Response to Comment V-1. Impacts for traffic (Section 5.6), noise (Section 5.5) and air quality (Section 5.1) were considered in the EIR and mitigation measures are given where determined necessary to reduce potential impacts to less than significant. Future development of the Ponto Area is not considered to result in significant effects along Avenida Encinas.

As described in Sections 5.1 and 5.7 of the EIR, potential air quality and visual impacts associated with construction would be short-term and would cease when construction was completed. Mitigation measures are proposed to reduce potential impacts to less than significant or to the maximum extent possible. In addition, construction would occur at different sites within the Ponto Area as individual ownerships are developed over future years, and would not affect all 50 acres at one time.

WW-3 Comment noted. Refer to Response to Comments N-11 and Z-4.

WW-4 The stop sign at Avenida Encinas and Portage Way/Marlin Lane would remain adequate. The Traffic Analysis did not determine that future development of the Ponto Area would generate the need for traffic signal installation at this intersection.

WW-5 Comment noted. Refer also to Sections 5.2.3 and 5.2.4 of the EIR, which have been revised to address potential impacts to Least Terns. The

Comment Letter WW – Debra Henry

mitigation measures proposed are standard for addressing impacts to this sensitive species and will require approval by the wildlife agencies.

WW-6 Comment noted. Refer to Response to Comment WW-4 above.

From: "Michael Crowley" <mike@novabiologics.com>
To: <cwest@ci.carlsbad.ca.us>
Date: 5/29/2007 3:23 PM
Subject: Ponto Vision Plan EIR

Dear Christer and the City of Carlsbad,

Over the past two weeks I have visited all the hotels on Avenida Encinas in Carlsbad and the two hotels on Paseo Del Norte also in Carlsbad. The questions asked were as follows (all information provided by the hotel managers):

Q. What is your year-round occupancy?

A. Less than 60%

Q. What is your occupancy rate in June, July and August?

A. Less than 70%

Q. Have you ever had 100% occupancy in 2006 or 2007 to date?

A. No

Q. What do you feel will happen to your hotel in terms of reservations if Carlsbad puts in three new hotels on the beach, Coast Highway, between Avenida Encinas and Palomar Airport Road?

A. This will destroy our hotels and reduce occupancy below profitability.

My question is why put in three new hotels to destroy nine hotels? What has Carlsbad gained? If the City of Carlsbad states they need hotel revenue and must build new hotels to raise income for the City, how does a net loss help with the above hotels?

Mike Crowley

521 Stern Way, Carlsbad CA 92011 USA
Tel: 760-430-4044, Fax 760-530-4045
Cell 760-522-2925
NEW e-mail: Mike@NOVABIOLOGICS.COM



Comment Letter XX – Michael Crowley

XX-1 Comment noted.

XX-2 Comment noted. The applications for the proposed timeshare and hotel uses were submitted to the City prior to the time of preparation of the EIR. Although these applications are on file, the type of development proposed on these properties may ultimately be revised over time, based on economic or market conditions that may influence an owner's decision to build. If future land uses are proposed within the Ponto Area that are out of the scope of that analyzed by the EIR, additional environmental analysis would be required on a site-specific level.

As land within the Ponto Area is privately owned, the individual land owners currently have the right to develop their properties as allowed by the City under the existing zoning and General Plan land use designations. The type of development proposed with the Vision Plan is not inconsistent with what has been intended by the City under the existing General Plan and Zoning. The proposed timeshare and hotel uses would be also be consistent with the City's Local Coastal Program approved for the area which proposes visitor-serving uses, mixed-use development fronting on Carlsbad Boulevard, and hotel and timeshare uses.

Steven & Lori Varga
134 Windvane Lane
Carlsbad, CA 92011

May 29, 2007

City of Carlsbad
c/o Christer Westman, Senior Planner
1635 Faraday Avenue
Carlsbad, CA 92008

RECEIVED

MAY 29 2007

CITY OF CARLSBAD
PLANNING DEPT

Re: Public comment on Ponto Beachfront Village Vision Plan (EIR 05-05)

To Whom It May Concern:

YY-1

As stated in our letter to Mayor Bud Lewis and members of the city council dated May 16th, 2005 we requested the city to do the EIR as concerns for the density of the Vision Plan were justifiable. As long time residents of Carlsbad (14 years) we feel responsible for the viability of a livable community so we are appreciative that the EIR was performed.

YY-2

We have read the details of the EIR. We feel very strongly on the alternative Increased Residential Use / Open Space Alternative (Figure 6-3) to be considered for approval. We understand that the land where the timeshare resort is being considered may be available for purchase, and a community park would be the perfect solution. There is not a nearby park close to accommodate all the residential units that have been developed there in the past 8 years. This is the perfect choice.

YY-3

If that option is not considered, then the Increased Townhomes / Visitor Use Alternative (Figure 6-5) is the next best option.

YY-4

Again, the density of development is of the utmost concern for us. Thank you for your consideration of the future of our community.

Sincerely,



Steven Varga

Comment Letter YY – Steven and Lori Varga

YY-1 Comment noted.

YY-2 Comment noted. Refer to Response to Comment N-5. The Increased Recreational Amenities / Green Space Alternative considers the option of locating a park for public use on the southern parcel. Please refer to Section 6.8 and Figure 6-6 of the EIR for additional discussion.

YY-3 Comment noted.

YY-4 Comment noted.

Friday, May 25, 2007

Christer Westman
City of Carlsbad Planning Department
1635 Faraday Ave.
Carlsbad, CA 92008

Case # ER 0505 (SCH # 2007031141)
Ponto Beach Village Plan

Dear Christer:

ZZ-1 [I am writing to express my concerns regarding the proposed Ponto Beach development plan. While I feel that development in the area is inevitable, I am concerned with the extreme density of the plan.

I have two main concerns:

ZZ-2 [1. I live in the Hanover Beach Colony. I question why the development would include a hotel and possible parking structure directly across the street from an existing residential area. Why not anchor the north end of the project with a park or another residential neighborhood.

ZZ-3 [2. Does Carlsbad really need three more hotels? I would not be against having an upscale boutique hotel but a three story Hilton sounds horrible.

ZZ-4 [This is our one chance at developing the most prime piece of real estate in Carlsbad. We could turn this into an area that is unique in the world, where people will want to come and visit for decades. Yet, I feel like we are just trying to slap together the most dense project that we can produce and still get permitted.

Sincerely,

Daniel J. Bruton

Daniel Bruton
7040 Whitewater Street
Carlsbad, CA 92011

760 603 9046



Comment Letter ZZ – Daniel Bruton

ZZ-1 Comment noted.

ZZ-2 Comment noted. Development of the site with the proposed Garden Hotel use would be consistent with the underlying land use designations. The proposed use would also be consistent with the City's Local Coastal Program approved for the area that proposes visitor-serving uses, mixed-use development fronting on Carlsbad Boulevard, and hotel and timeshare uses.

As land within the Ponto Area is privately owned, the individual land owners have the right to develop their properties as allowed by the City under the existing zoning and General Plan land use. The type of development proposed with the Vision Plan is consistent with what has long been intended by the City, based on the existing General Plan land designation. In addition, a portion of the Ponto Area has been designated as a redevelopment district, indicating the intent for future redevelopment to occur.

ZZ-3 Comment noted. All development within the Ponto Area will be subject to City height restrictions for the appropriate zone designation and per the Local Coastal Program limitations. In addition, the hotel use is consistent with the land use intended for the property under the existing General Plan land use designations. Development would be required to be consistent with the scenic corridor design guidelines, and design measures are proposed in the EIR to reduce potential visual impacts. Refer also to Response to Comment N-13.

ZZ-4 Comment noted.

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Appendix E-1	Environmental Site Assessment – Phase I (<u>Volume 1 of 2</u>)
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City of Encinitas Resolutions for Shoreline Resort

City of Encinitas Resolutions for Coral Cove Tentative Map

City of Encinitas Resolutions for Encinitas Beach Hotel

VOLUME VII

Appendix H Geologic Hazards Analysis

Appendix I Storm Water Mitigation Plan and Preliminary Hydrology Study

LIST OF ACRONYMS

ABSL	Above Mean Sea Level
ACM's	Asbestos Containing Materials
ACOE	Army Corps of Engineers
ADT	Average Daily Traffic
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
APCD	Air Pollution Control District
APNs	Assessor Parcel Numbers
AQIA	Air Quality Impact Analysis
ASNI	American National Standards Institute
AST's	Above Ground Storage Tanks
ASTM	American Standards for Testing and Materials
BFSA	Brian F Smith Associates
BLEP	Batiquitos Lagoon Enhancement Plan
BMP	Best Management Practice
BoS	Board of Supervisors
CAAQS	California Ambient Air Quality Standards
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CASQA	California Storm Water Quality Association
CBC	California Building Code
CCA	California Coastal Act
CCAA	California Clean Air Act
CCC	California Coastal Commission
CDFG	California Department of Fish and Game
CDP	Coastal Development Permit
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFD	Community Facilities District
CFD	Carlsbad Fire Department
CHU	Carlsbad Hydrologic Unit
CIP	Capital Improvement Program
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CMWD	Carlsbad Municipal Water District
CNEL	Community Noise Equivalent Level

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CO	Carbon Monoxide
CPD	Carlsbad Police Department
CPSC	Consumer Product Safety Commission
Cr	Coastal Beaches
CSSD	Carlsbad Sewer Service District
CT-Q	Commercial Tourist Zone – with Qualified Development Overlay
CUDA	Current Urban Development Area
CUSD	Carlsbad Unified School District
CWA	Clean Water Act
c.y.	Cubic yards
dB	Decibel
dBA	A-weighted Sound Level
d.g.	Decomposed granite
DPLU	Department of Planning and Land Use
DPW	Department of Public Works
EDR	Environmental Data Resource
EIR	Environmental Impact Report
EMF	Electromagnetic Fields
EOO	Encina Ocean Outfall
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
EWA	Encina Wastewater Authority
FAAQs	Federal Ambient Air Quality Standards
FCAA	Federal Clean Air Act
FEMA	Federal Emergency and Management Administration
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FPA	Focused Planning Area
GMPC	Growth Management Control Point
GMP	Growth Management Plan
GPA	General Plan Amendment
HAP	Hazardous Air Pollutants
HCM	Highway Capacity Manual
HLP	Habitat Loss Permit
HMP	Habitat Management Plan
HREC	Historic Recognized Environmental Condition
HVAC	Heating Ventilation and Air-Conditioning
ICU	Intersection Capacity Utilization

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ILV	Intersection Lane Vehicle Analysis
JURMP	Jurisdictional Urban Runoff Management Plan
LBP	Lead Based Paint
LBZ	Limited Building Zone
LCP	Local Coastal Program
LCPA	Local Coastal Program Amendment
LESA	Land Evaluation and Site Assessment Model
LFMP	Local Facilities Management Plan
LFPD	Lakeside Fire Protection District
LOS	Level of Service
MEP	Maximum Extent Practicable
MHCP	Multiple Habitat Conservation Plan
MND	Mitigated Negative Declaration
Mph	Miles per hour
MUP	Major Use Permit
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Communities Conservation Planning Program
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFPA	National Fire Protection Association
NINA	Noise Impact Notification Area
NOP	Notice of Preparation
NO _x	Nitrogen Oxide
NPDES	National Pollution Discharge Elimination System
NSDR	Northern San Diego Railroad
O ₃	Ozone
OS	Open Space
PCB	Polychlorinated Biphenyls
PFF	Public Facility Fees
PL	Planned Community
PLDO	Park Land Dedication Ordinance
PM ₁₀	Particulates of less than 10 microns in diameter
PSMP	Poinsettia Shores Master Plan
RAQS	Regional Air Quality Strategies
RBF	RBF Consulting
REC	Recognized Environmental Concern
RCFZ	Rose Canyon Fault Zone
RCP	Regional Comprehensive Plan
RD-M-Q	Residential Density Multiple Zone with Qualified Development Overlay

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RL	Residential Low Density
RLM	Residential Lower-Medium Density
RMH	Residential Medium-High
RMH/TR	Residential Medium-High and/or Travel/Recreation Commercial
ROC	Reactive Organic Compound
ROG	Reactive Organic Gas
ROW	Right-of-way
RPO	Resource Protection Ordinance
RAQS	Regional Air Quality Strategy
RSA	Regionally Significant Arterial
RWQCB	California Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SANTEC/ITE	San Diego Traffic Engineering Council/Institution of Transportation Engineers
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SCCRA	South Carlsbad Coastal Redevelopment Area
SCIC	South Coastal Information Center
SCRR	Southern California Railroad
SCS	Soil Conservation Service
SDAPCD	San Diego Air Pollution Control District
SDG&E	San Diego Gas & Electric
SDNR	San Diego Northern Railroad
SEDAB	Southeast Desert Air Basin
SF	Square Feet
SFHA	Special Flood Hazard Area
SGC	Southland Geotechnical Corporation
SDHR	San Diego Hydrologic Region
SOx	Sulfur Oxide
SDAPCD	San Diego Air Pollution Control District
RTP	Regional Transportation Plan
SUSMP	Standard Urban Storm Water Mitigation Plan
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
TAZ	Traffic Analysis Zone
TIF	Transportation Impact Fee
TMDL	Total Maximum Daily Load

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TR	Travel/Recreation Commercial
TR/C	Travel/ Recreation Commercial/Community Commercial
UA	Unplanned Area
UBC	Uniform Building Code
USACE	U.S. Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
UST	Underground Storage Tank
VOC	Volatile Organic Compound
VWD	Vallecitos Water District

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1.0 INTRODUCTION

The Ponto Beachfront Village Vision Plan Area is located within the City of Carlsbad, California, in northern San Diego County. The total Vision Plan Area is an approximately 130-acre, relatively narrow strip of land, approximately 1/8 mile wide and 1–1/2 miles long, located between Carlsbad Boulevard to the west and the San Diego Northern Railroad (SDNR) tracks and right-of-way to the east. Portions of the plan area extend north to Poinsettia Lane and south to La Costa Avenue. Under the Ponto Beachfront Village Vision Plan, the area considered viable for future development within the larger 130-acre area consists of approximately 50 acres (hereafter referred to as the “Ponto Area”), with its northern limit at Ponto Drive and its southern limit at the Batiquitos Lagoon. Refer to Chapter 3.0 where Figures 3-1 and 3-2 provide a regional map and a vicinity map, respectively. Figures 3-3 and 3-4 provide aerial views of the Ponto Area.

A portion of the Ponto Area lies within the South Carlsbad Coastal Redevelopment Area (SCCRA), which was established by the City of Carlsbad in July 2000. To guide redevelopment efforts within this area, the Ponto Beachfront Village Vision Plan was developed over an approximately two-year period from 2003 to 2005. Development of the Vision Plan and the proposed project design occurred with public input from property owners, residents of the City of Carlsbad, and others with interest in the project. Preparers of the Plan also met with representatives from the California Coastal Commission (CCC) and the California State Parks Division to address potential environmental concerns with regards to the project design.

The Vision Plan envisions a variety of uses on the 50-acre Ponto Area, which include a mixture of travel, recreation, commercial, neighborhood commercial, and residential uses. The properties that comprise the Ponto Area are under individual ownership and would be developed over future years, consistent with the guidelines set forth in the Vision Plan (which has not yet been reviewed by the City of Carlsbad Planning Commission or approved by the City Council).

This Environmental Impact Report (EIR) is intended to evaluate potential impacts that may result from future development of the Ponto Area. As the Vision Plan provides a general guide for development of the area, the EIR has been prepared to assess potential impacts to environmental resources within the development area boundaries, with consideration for all (previously) active land development applications within the Ponto Area that were being processed at the time preparation of an EIR was requested. Therefore, the EIR provides an analysis of uses envisioned for the Ponto Area, as well as a general consideration for four individual land development projects proposed within the Area to which the Vision Plan would be applicable; refer to Section 3.4 of this EIR for a description of these projects.

1.1 Intended Uses of EIR

This document is identified as a “Program” Environmental Impact Report. Preparation of a Program EIR is appropriate for a series of actions that can be considered as one larger project, that have geographical relation, and as logical parts in the chain of contemplated actions in connection with issuance of rules, regulations, or plans. This type of EIR is intended to allow for the consideration of effects and alternatives in greater depth than would

be practical if individual landowners were to take separate action. In addition, cumulative impacts for an affected area can be addressed in a more cohesive manner.

This is an informational document that will inform public agency decision-makers and the public of significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. Under the provisions of the California Environmental Quality Act (CEQA), “the purpose of an environmental impact report is to identify the significant effect on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided” (Public Resource Code 21002.1(a)).

This EIR is not a City policy document; rather, it addresses the potential impacts of development of the Ponto Area and analyzes project alternatives. The discretionary actions associated with the proposed project include approval and/or adoption of the Ponto Beachfront Village Vision Plan, ~~as well as~~ amendments to the City of Carlsbad General Plan and Local Coastal Program (LCP), and the additional discretionary approvals and permits identified in Table 3-4, as well as any other approvals or permits necessary or desirable to implement the project at the level of the individual landowner. More specifically, this EIR will be used by the City of Carlsbad Planning Commission in assessing potential environmental impacts resulting from the proposed project and in making their recommendation to the City Council on the Vision Plan, General Plan Amendment (GPA) and LCP amendment. This EIR will also be used by the City Council in assessing impacts and deciding whether to approve the proposed mitigation measures.

Public or private improvements that are either depicted in various exhibits or described in this Program EIR are conceptual in nature. They are subject to further design and engineering analysis and may be modified as a result of such review. The future environmental analysis of public or private improvements are for purposes of CEQA and shall be undertaken in compliance with Section 15168(c) of Title 14, Chapter 3 of the California Code of Regulations, the CEQA Guidelines.

This EIR analyzes information available at the time of preparation of the document. As individual projects within the Ponto Area are proposed in the future, additional site-specific technical analyses may be required to determine whether a project is within the scope of the EIR, prepared to implement the Vision Plan, or to identify whether conditions have since changed and additional impacts not previously identified in the EIR exist. If such conditions exist, additional CEQA action (e.g. addendum to the EIR, supplemental EIR, etc.) may be required to assess potential impacts and to identify appropriate mitigation measures to reduce impacts to less than significant with individual project implementation.

1.2 Project Background

1.2.1 History of Project

As seen in Figure 3-3, a portion of the Ponto Area is within the South Carlsbad Coastal Redevelopment Area, which was established in July 2000. The SCCRA Redevelopment Plan gives the Carlsbad Housing and Redevelopment Commission the legal authority to use various powers to achieve the Redevelopment Plan’s goals. In addition, the Ponto Area has been planned for a mixture of travel, recreation, commercial, neighborhood commercial, and residential uses, as identified in the City of Carlsbad General Plan. The Vision Plan has been

prepared to guide redevelopment of the site consistent with the goals of the SCCRA Redevelopment Plan, City General Plan, and other applicable plans and policies set forth in the City's Municipal Code.

To guide redevelopment efforts within the SCCRA, the Ponto Beachfront Village Vision Plan was developed over an approximately two-year period from 2003 to 2005. Development of the Plan and the proposed project design occurred with public input from property owners, residents of the City of Carlsbad, and others with interest in the project. Preparers of the Plan also met with representatives from the California Coastal Commission and the California State Parks Division to address potential environmental concerns with regards to the project design.

In conjunction with preparation of the Ponto Beachfront Village Vision Plan, an environmental assessment was completed for the Ponto Area to identify potential impacts resulting from development of the project site. The assessment concluded that future development in conformance with the Vision Plan may have the potential to result in significant environmental impacts unless mitigation measures were applied to development in the areas of transportation/traffic, noise, biology, cultural resources and agriculture. Appropriate mitigation measures for these impacts were incorporated into the environmental assessment for the Vision Plan to be applied to all future development proposals in the area.

A Public Hearing was held before the City Council on June 28, 2005, to consider the Ponto Beachfront Village Vision Plan and related actions, including approval of the Mitigated Negative Declaration (MND) and the proposed Mitigation Monitoring and Reporting Program, General Plan Amendment (GPA 05-04), and the Local Coastal Program Amendment (LCPA 05-01). The item was continued to July 19, 2005, when the City Council directed city staff to prepare a full environmental impact report to analyze the impacts of the Ponto Beachfront Village Vision Plan, as staff noted that potential impacts to traffic, noise, agriculture, cultural and biological resources may occur. All active applications for development within the boundaries of the Ponto Area were subsequently placed on hold until preparation of an EIR is completed and approved.

1.2.2 Notice of Preparation and Scoping Meetings

A Notice of Preparation (NOP) for an EIR (published on June 11, 2006), was issued for the Ponto Beachfront Village Vision Plan (Case No. EIR 05-05). The NOP was sent to the State Clearinghouse on June 11, 2006, for a 30-day public review period ending July 12, 2006. The NOP was published in the local newspaper, and was forwarded to other city, state and federal officials, public agencies, and other interested individuals as applicable.

A public scoping meeting was held on June 22, 2006 at the City of Carlsbad Faraday Center, located at 1635 Faraday Avenue, to allow for public comment on the preparation of the Ponto Beachfront Village Vision Plan EIR. During this meeting, the background and scope of the Vision Plan were presented to the public by the City, and the public was invited to comment and ask questions regarding the proposed Vision Plan and environmental impacts that may potentially result. Written comments from the public were received during the 30-day review period for the NOP pertaining to the scope of the EIR and environmental issues of concern that the public desired to be addressed in the preparation of the EIR. These comments are included in Appendix A of this EIR.

Property Owners Workshops

Two workshops were held (August 13, 2003 and December 15, 2003) by city staff for Ponto Area property owners to update them on the progress of the Vision Plan as it was being prepared, to gather input on specific issues, and to hear feedback on land use alternatives. The following objectives for development of the Ponto Area were established based on public input received during these meetings:

Objectives:

- a. Provide options for land use;
- b. Increase flexibility for property owners to respond to market conditions;
- c. Increase opportunities and individual decision-making for small lot property owners;
- d. Continue to consider environmental factors and conditions; and,
- e. Create a neighborhood and amenities that contribute to the surrounding area and City as a whole.

1.3 Structure of the EIR

Volume I. Volume I of this EIR contains the environmental analysis prepared as the result of a request for preparation of an EIR. The eight sections of the EIR are as follows:

- **Section 1.0 Introduction.** This section provides an overview of the project, including project background, legal requirements of the EIR, and a summary of the structure of the EIR.
- **Section 2.0 Executive Summary.** This section provides a summary of the proposed project, potentially significant environmental impacts identified through the EIR process, potential areas of controversy, and alternatives to the proposed project.
- **Section 3.0 Project Description.** This section provides a detailed description of the proposed project including project location and background, existing regulatory environment, uses proposed, infrastructure improvements required, and project objectives. In addition, the intended uses of the EIR are discussed, and a summary of discretionary actions is given.
- **Section 4.0 Environmental Setting.** This section provides an overview of the environmental setting surrounding the project, including a summary of applicable regulatory plans and policies and General Plan and zoning information, as well as a summary of general climate, topography, and surrounding land uses.
- **Section 5.0 Environmental Impact Analysis and Mitigation Measures.** This section provides a technical analysis of the potential significant environmental impacts resulting from implementation of the Vision Plan. Mitigation measures are given to reduce impacts to less than significant as applicable.
- **Section 6.0 Alternatives to the Proposed Project.** This section provides a series of alternatives to the proposed project to identify optional development scenarios under which potential significant impacts resulting from the proposed project may be reduced (as compared to the proposed project).

- **Section 7.0 Analysis of Long-Term Effects.** This section discusses the potential long-term effects, cumulative impacts, significant irreversible impacts, unavoidable significant impacts, and areas where no significant impacts would occur as the result of the proposed project.
- **Section 8.0. References.** This section identifies the technical reports and other documentation used in preparing the EIR analysis and identifies the persons responsible for preparation of the EIR.

Volumes II and III. Volumes II and III of this EIR contain the technical reports upon which the EIR analysis is based.

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2.0 EXECUTIVE SUMMARY

2.1 Project Location

The Ponto Beachfront Village Vision Plan Area is located within the City of Carlsbad, California, in northern San Diego County. The Vision Plan Area is an approximately 130-acre, relatively narrow strip of land, approximately 1/8 mile wide and 1-1/2 miles long, located between Carlsbad Boulevard to the west and the San Diego Northern Railroad (SDNR) tracks and right-of-way to the east. Portions of the plan area extend north to Poinsettia Lane and south to La Costa Avenue. Under the Ponto Beachfront Village Vision Plan, the area considered viable for future development (the “Ponto Area”), consists of approximately 50 acres, with its northern limit at Ponto Drive and its southern limit at the Batiquitos Lagoon. Figures 3-1 and 3-2 provide a regional map and a vicinity map, respectively. Figures 3-3 and 3-4 provide an aerial photo of the Ponto Area. The property includes Assessor Parcel Numbers (APNs) 214-160-04, -05, -06, -10, -11, -13, -19, -20, -21, -24, -25, -27, -28, -29, -34, -35, -36; 214-171-11; 214-590-04; 216-010-01, -02, -03, -04, -05; and 216-140-17, -18.

A portion of the Ponto Area lies within the South Carlsbad Coastal Redevelopment Area (SCCRA), which was established in July 2000. To guide redevelopment efforts within this area, the Ponto Beachfront Village Vision Plan was developed over an approximately two-year period from 2003 to 2005. Development of the Vision Plan and the proposed project design occurred with public input from property owners, residents of the City of Carlsbad, and others with interest in the project. Preparers of the Plan also met with representatives from the California Coastal Commission (CCC) and the California State Parks Division to address potential environmental concerns with regards to the project design.

2.2 Project Description Summary

2.2.1 Proposed Land Uses

The following General Plan designations currently apply to the Ponto Beachfront Village area: UA – Unplanned Area; TR/C – Travel/Recreation Commercial; RMH – Residential Medium High (19 dwelling units per acre); RMH/TR – a dual designation indicating that with further planning, one or both uses may be appropriate; and, OS – Open Space and Community Parks. The project would require a General Plan Amendment (GPA) to designate the Ponto Area as an area of “Special Planning Consideration” that would require properties within the Ponto Area to be developed under the guidance of the Ponto Beachfront Village Vision Plan.

At present, there are three City zoning designations that apply to the various parcels within the Ponto Area. These designations include: PC – Planned Community; CT-Q – Commercial Tourist zone with Qualified Development Overlay; and, RD-M-Q – Residential Density – Multiple zone with Qualified Development Overlay. Several parcels have a dual designation, CT-Q/RD-M-Q, indicating that with further planning, one or both uses may be appropriate. No changes to the existing zoning are proposed with the Vision Plan.

Overall, the Vision Plan’s land use mix would combine tourist-serving, commercial and residential uses. Tourist-serving hotel and time-share units are envisioned to provide the services that tourists need and appreciate, such as restaurants, gift shopping, and various

other commercial uses. The Ponto Beachfront Village Vision Plan proposes a combination of six Character Areas that will provide a mix of land uses and promote an economically viable tourist-oriented area that provides residential opportunities and shopping and services for both residents and visitors. The following describes the specific land uses that are envisioned, encouraged, and allowed by right or by conditional use permit in each of the six Ponto Beachfront Village Land Use Character Areas.

Live-Work Neighborhood. The Live-Work Neighborhood is intended to give flexibility to land owners that want to remain living on their properties while expanding uses to include business opportunities. A live-work unit is a home that functions both as a place to live and a place to work. These types of residences typically do not generate much walk-in business off the street and have very few, if any, employees.

Townhouse Neighborhood. The Townhouse Neighborhood is intended for multi-family homes in condominium ownership with a minimum density of 15 dwelling units per acre and a maximum density of 23 dwelling units per acre, with a Growth Management control point of 19 dwelling units per acre.

Mixed-Use Center. The Mixed Use Center is intended to be the core of the Ponto Beachfront Village and will contain both commercial and multi-family residential uses. To maximize economic viability for businesses in the Mixed Use Center, both visitor-serving and neighborhood-serving uses and services are intended. The area would be central to residents of the Townhome Neighborhood, Live/Work and Mixed Use developments, visitors staying at the three hotels and the surrounding offsite residential neighborhoods.

Beachfront Resort. The Resort Hotel, located south of Avenida Encinas and overlooking Batiquitos Lagoon, is intended to be a top-quality, upscale visitor destination resort with meeting facilities, restaurants and a small amount of visitor-serving retail for guest convenience and accessible to the general public.

Garden Hotel. The Garden Hotel, located at the corner of Ponto Drive and Carlsbad Boulevard, is intended to be a moderate-priced, full-service visitor hotel with a conference center, meeting facilities and a restaurant.

Village Hotel. The Village Hotel, located north of Beach Way, is intended to be a visitor facility with both hotel rooms and timeshare units. The hotel will not have extensive food and beverage facilities. Visitors may easily walk to the visitor-oriented businesses in the Mixed Use Center to shop or to eat in the restaurants.

2.2.2 Community Amenities

A number of community amenities are proposed with the project. These amenities are discussed in greater detail in Section 3.0. Community amenities include trails east and west of Carlsbad Boulevard, a multi-purpose trail, and connection to the regional trail system. A Wetland Interpretive Park is proposed, along with a community facility-nature/arts center. Other facilities envisioned ~~would include a linear park, putting course, and public plazas and courtyards.~~ A linear park ~~would be created~~ is envisioned along the west side of Carlsbad Boulevard with ~~the~~ a proposed realignment of the roadway.

2.2.3 Infrastructure

Infrastructure would be provided consistent with the City's Local Facilities Management Program (LFMP), Zones 9 and 22, which affect the Ponto Area. Proposed improvements would require realignment of an onsite 84-inch storm drain, realignment of a sewer force main and high-pressure gas fuel line, and improvements for water service.

2.2.4 Project Access and Roadway Improvements

Project access would be provided from Carlsbad Boulevard by Avenida Encinas, Ponto Road, and (future) Beach Way. The Vision Plan envisions the realignment of Carlsbad Boulevard to the east to allow for creation of a linear park along the west side of the roadway, and for landscaping treatments to enhance the appearance of the roadway. Ponto Drive onsite would be improved and extended north through the Ponto Area as a two-lane roadway with a planted median, bike lane, parkways, and ample sidewalks. The addition of Beach Way would connect the east and west segments of Ponto Drive. The improved Ponto Drive would be accessed from Carlsbad Boulevard, Avenida Encinas, and the proposed Beach Way. Avenida Encinas would provide access to the Ponto Beachfront Village via Ponto Drive. As part of the realignment of Carlsbad Boulevard, a new left turn lane would be added to the northbound lanes at Avenida Encinas to allow beachgoers access to the southern portion of Carlsbad State Beach.

2.3 Environmental Impacts

Implementation of the Ponto Vision Plan may result in a significant effect on the environment. As a result, preparation of an Environmental Impact Report (EIR) is required under the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. Issue areas examined in this Program EIR include: air quality, biological resources, cultural resources, hazards and hazardous materials, noise, traffic and circulation, visual aesthetics and grading, agricultural resources, geology and soils, hydrology and water quality, land use, and public utilities and services.

The Executive Summary Table, given at the end of this section, identifies the significant impacts that would result from the project and gives mitigation measures to reduce such impacts to less than significant where possible. Additional site-specific analyses may be required with future development of individual lands within the Ponto Area to determine significant impacts. The following summarizes the impact areas as identified through the EIR process:

Category I – Significant, Unavoidable Impacts

Based on the analysis conducted for preparation of the EIR, the following impacts have been identified as significant and unavoidable:

- Air Quality (Long-term Operational Emissions and Short-term Construction Emissions)
- Noise (Short-Term Construction)

Category II – Impacts Mitigated to Less than Significant

Implementation of the Ponto Beachfront Village Vision Plan would result in significant impacts. Significant impacts have been evaluated through the EIR process and are identified as follows:

- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Noise
- Traffic and Circulation

Implementation of proposed mitigation measures would reduce potential impacts to these resource areas to less than significant.

Category III – Less than Significant Impacts

Impacts were determined to be less than significant through EIR analysis for the following issue areas:

- Visual Aesthetics and Grading
- Agricultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Land Use and Planning
- Public Utilities and Service Systems

Impacts were determined to be less than significant in the Initial Study for the following issue areas:

- Population and Housing
- Recreation
- Energy and Mineral Resources

2.4 Potential Areas of Controversy

As required by CEQA Guidelines Section 15123 (b)(2), potential areas of controversy are fully analyzed in Chapter 5.0, Significant Environmental Effects. The potential for significant impacts relative to Air Quality (Section 5.1); Biological Resources (Section 5.2); Cultural Resources (Section 5.3); Hazards and Hazardous Materials (Section 5.4); Noise (Section 5.5); and, Traffic and Circulation (Section 5.6) are analyzed within this EIR. As applicable, significant impacts are identified and mitigation measures are given. Comments received in response to the Notice of Preparation (NOP) of an EIR are included in Appendix A of this EIR.

2.5 Issues To Be Resolved by the Decision-Making Body

Issues to be resolved by the decisionmakers include the choice among alternatives and whether or how to mitigate the significant effects (CEQA Guidelines, §15123 (b)(3)). The ultimate development of the Ponto Area would result in potentially significant but mitigable impacts to traffic and circulation, biological resources, noise, hazards and hazardous materials, and cultural resources. With implementation of proposed mitigation measures, impacts would be reduced to a less than significant level, with the exception of air quality impacts (short-term construction and long-term operational emissions) and noise impacts (short-term construction). No other significant and mitigated or unmitigated impacts have been identified for the proposed project. Impacts to jurisdictional waters and coastal sage scrub from the project as proposed would require additional review and permit authorizations from U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the Regional Water Quality Control Board. This analysis includes four potential alternative alignments for Carlsbad Boulevard. The decision makers should select which alignment is most appropriate for a more detailed analysis.

2.6 Alternatives to the Proposed Project

~~Six~~ Seven alternatives to the proposed project are identified and analyzed in detail in Section 6.0 of this EIR: the No Development Alternative, the No Project Alternative, Increased Residential Use Alternative, Increased Residential Use/Open Space Alternative, Increased Townhomes/Single-Family Detached Alternative, ~~and the Increased Townhomes/Visitor Use Alternative,~~ and the Increased Recreational Amenities/Green Space Alternative. These alternatives were chosen with a focus on reducing or eliminating significant environmental impacts of the proposed project.

2.6.1 No Development Alternative

The No Development Alternative assumes that the Ponto Area would not be developed with the proposed project. The project site would remain in its present condition and would continue to support the existing single-family residential and small-scale commercial and light-industrial uses. No onsite or offsite roadway improvements, including Carlsbad Boulevard, would occur with this alternative. Refer to Section 6.2 for a detailed discussion of this alternative.

2.6.2 No Project Alternative

Under the No Project Alternative, the Ponto Area would be developed as allowed under the current land use and zoning designations without special permitting. As the proposed project ~~does not propose a change to the underlying zoning, and~~ would allow uses similar to that allowed under the existing General Plan designation, uses developed under the No Project Alternative would be similar to that proposed with the Vision Plan; however, the Vision Plan envisions uses that would actually result in a decreased intensity than that allowed under the existing land use designations. The No Project Alternative would allow the property to be developed with travel/recreational commercial, medium-high residential uses, or as open space or parks.

In the southern portion of the site, the existing General Plan designation would allow for travel and recreational commercial uses, such as hotels, restaurants, and commercial retail, to

enhance the tourism and recreational opportunities in the City. In the northern portion of the site, residential housing could be provided at a density of 8-15 dwelling units per acre, or in combination with travel and recreational commercial uses. Areas that are currently designated as unplanned may require further planning to determine appropriate uses.

Similar to the proposed project, this alternative would ultimately contribute to offsite road improvements as applicable, to mitigate for future potential traffic impacts caused by vehicular trips generated by onsite uses. This alternative would also propose onsite trails and linkage to the regional trail system for recreational use. In addition, improvements would be made, consistent with the Zone 9 and 22 LFMPs, to provide public water and sewer service to the site. Development onsite would be consistent with the Scenic Corridor Guidelines and would contribute to improvements along Carlsbad Boulevard, but would not result in an overall themed design approach that would establish and enhance a major entryway into the City of Carlsbad. Refer to Section 6.3 for a detailed discussion of this alternative

2.6.3 Increased Residential Use Alternative

The Increased Residential Land Use Alternative assumes that the majority of the Ponto Area would be developed with townhomes, at a density of 19 du/acre; refer to Figure 6-2. At this density, an estimated 352 townhomes could be constructed. In addition, the Resort Hotel and Hotel/Commercial uses would also be developed, similar to the proposed project. No Mixed-Use or Live-Work/Mixed-Use uses would be developed, thereby minimizing commercial retail or tourism-oriented uses. This alternative would not result in improvements associated with the State Beach, nor include enhancements to the major entryway into the City at Carlsbad Boulevard and Batiquitos Lagoon. Refer to Section 6.4 for additional discussion of this alternative.

2.6.4 Increased Residential Use / Open Space Alternative

The Increased Residential Use / Open Space Alternative would result in a large portion of the property being developed with townhomes at a density of 19 du/acre; refer to Figure 6-3. This would allow approximately 316 dwelling units. In addition, a Mixed-Use Center would be developed in the same location as with the proposed project, and would allow for a variety of commercial retail uses, restaurants, and specialty stores to support the residential and hotel and residential uses. The Hotel/Commercial use would be proposed in the northern portion of the property, although at a smaller scale than compared to that of the proposed project. In addition, this alternative proposes an open space/community park in the southern portion of the property, rather than the Beachfront Resort. The park would be open to the public and would offer opportunities for active and passive recreation, such as walking trails and picnic tables. Refer to Section 6.5 for a detailed discussion of this alternative.

2.6.5 Increased Townhomes / Single-Family Detached Alternative

The Townhomes / Single-Family Detached Alternative assumes that the Ponto Area would be largely developed with townhomes and single-family development at a density of 10 du/acre; refer to Figure 6-4. This would allow for approximately 172 dwelling units within the northern portion of the site. In addition, the Hotel/Commercial uses at the northern end of the property would be developed. A Mixed-Use Center would be developed in the central portion of the site, just north of Avenida Encinas, similar to the proposed project, but at a

smaller scale. The Resort Hotel Use would be developed in the southern portion of the site, also similar to the proposed project. This alternative assumes the realignment of Carlsbad Boulevard with development of a linear park along the west side of the roadway. Onsite road patterns would be the same as the proposed project. No improvements to enhance the State Beach would be proposed with this alternative. Refer to Section 6.6 for a detailed discussion of this alternative.

2.6.6 Increased Townhomes / Visitor Use Alternative

The Increased Townhomes / Visitor Use Alternative assumes that the Ponto Area would be largely developed with a mixture of uses, similar to the proposed project, but with additional residential dwelling units provided; refer to Figure 6-5. In the southern portion of the site, the Resort Hotel use would be developed, similar to the proposed project. An increased number of townhomes would be developed at a density of 19 du/acre as compared to the proposed project, with such uses replacing the Mixed-Use Center. Approximately 281 dwelling units could be developed under this alternative. This alternative would allow for a mixture of commercial uses including retail shops and restaurants. In addition, the Hotel/Commercial use at the northern portion of the site would be developed at a reduced scale, with construction of a neighborhood park at the northernmost portion of the site to provide recreational opportunities and to buffer the hotel use from the adjacent residential neighborhoods. This alternative assumes the realignment of Carlsbad Boulevard with development of a linear park along the west side of the roadway. Onsite road patterns would be the same as the proposed project. No improvements to enhance the State Beach would be proposed with this alternative. Refer to Section 6.7 for a detailed discussion of this alternative.

2.6.7 Increased Recreational Amenities/Green Space Alternative

The Increased Recreational Amenities/Green Space Alternative assumes that the project site would be developed with the same mixture of uses as proposed with the Vision Plan; however, this alternative would designate an open area along the bluff that would be available for public recreational use; refer to Figure 6-6. In addition to providing public access, the area would provide a buffer between the hotel facilities and the Batiquitos Lagoon. The open area would complement the multi-use trail envisioned in the Vision Plan, and would be located within the setback to the development envelope for the Resort Hotel as required by the Poinsettia Shores Master Plan. The open area would be maintained by the property owner.

It is envisioned that the open area could be bermed to provide varied topography, and landscaped for shade and passive recreation. Amenities such as trellises, gazebos, benches and picnic tables for meeting or relaxing could be provided within the space, among other amenities. Signage could also be installed within the open area to identify vegetation or flower types in and near the lagoon, or perhaps animal or avian species that would typically occupy the lagoon, to provide an educational opportunity.

With the above-described exceptions, future development of the Ponto Area would occur as envisioned by the Vision Plan. This alternative assumes the re-alignment of Carlsbad Boulevard with development of a linear park along the west side of the roadway, and construction of a pedestrian underpass to the State Beach. Onsite road patterns would be the

same as the proposed project. In addition, improvements to enhance Carlsbad Boulevard as the southern gateway into the City are also envisioned with this alternative.

2.6.72.6.8 Carlsbad Boulevard Realignment Alternatives

The Vision Plan includes four alternatives for the realignment of Carlsbad Boulevard; refer to Figures 6-1A and 6-1B. The alignments were evaluated within the Vision Plan for potential effects relative to significant impacts on biological resources, visual resources, parking, traffic signal operations and bridge requirements; refer to Table 6-2. The Vision Plan analyzed the re-alignment alternatives to identify the potential benefits of moving Carlsbad Boulevard lanes to either the west or to the east of their current location. The re-alignment of Carlsbad Boulevard represents the opportunity to achieve several goals of the Ponto Beachfront Village Vision Plan and the South Carlsbad Coastal Redevelopment Area Redevelopment Plan.

Alternative #1 is considered the Environmentally Superior Alternative with respect for the alternatives considered for the re-alignment of Carlsbad Boulevard, as it would result in the least impact to biological resources due to roadway construction. Alternative #1 envisions shifting the southbound lanes of Carlsbad Boulevard between existing Ponto Road and Avenida Encinas to the east, thereby providing additional space on the west side of the roadway for both on-street parking and an enhanced multi-purpose trail. In relocating the roadway, Alternative #1 would create approximately 0.8 acre along the west side of Carlsbad Boulevard, which could be utilized as a linear public park.

Alternative #2 is the alignment of Carlsbad Boulevard analyzed as part of the project in the EIR with respect for potential environmental impacts; refer to Figure 3-5, ~~which reflects the same alignment as Alternative #2.~~ Similar to Alternative #1, Alternative #2 envisions shifting the southbound lanes of Carlsbad Boulevard between existing Ponto Road and Avenida Encinas to the east, thereby providing additional space on the west side of the road for on-street parking and an enhanced multi-purpose trail. This alternative would create approximately 2.0 acres on the west side of Carlsbad Boulevard north of Avenida Encinas and 1.8 acres on the west side of Carlsbad Boulevard, south of Avenida Encinas. This available land could then be used for a linear public park or for expansion of the South Carlsbad State Beach Campground.

Alternative #3 would be similar to Alternative #1 in that it would relocate the southbound lanes of Carlsbad Boulevard to the east, freeing approximately 0.8 acre on the west side of Carlsbad Boulevard for a linear public park. In addition, realignment of the northbound lanes to the west would create approximately 1.2 acres along the east side of Carlsbad Boulevard (north of Avenida Encinas) and 2.2 acres on the east side of Carlsbad Boulevard, south of Avenida Encinas. This acreage would be available for additional development or community amenities.

Alternative #4 With Alternative #4, the northbound and southbound lanes of Carlsbad Boulevard between (proposed) Beach Way and Ponto Road would be re-aligned to the east; refer to Figure 6-1B. The existing lane configuration would not be changed with the roadway re-alignment (no additional lanes would be proposed). The re-alignment of Carlsbad Boulevard with Alternative #4 would be designed to connect with the roadway as recently improved with the Hanover Beach Colony development to the north.

To the south of Beach Way, Alternative #4 would re-align Carlsbad Boulevard to the east, consistent with the re-alignment proposed with Carlsbad Boulevard Re-alignment Alternative #1 (see description above). This alternative would allow for the creation of approximately 0.5 acre on the west side of Carlsbad Boulevard for a linear public park, in addition to the 0.8 acre created with Alternative #1.

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Table S-1
Summary of Significant Environmental Impacts and Mitigation

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
PROJECT-LEVEL IMPACTS		
SIGNIFICANT AND UNAVOIDABLE IMPACTS		
Air Quality (Section 5.1)		
Impact AQ-1: The proposed project was found to have a significant and unavoidable air quality impact (fugitive dust) as the result of clearing, grading, and earth moving operations.	<p><i>Short-Term (Construction) Impacts</i></p> <p>AQ-1 During clearing, grading, earth-moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures using the following procedures:</p> <ul style="list-style-type: none"> • Onsite vehicle speed shall be limited to 15 miles per hour; • All onsite construction roads with vehicle traffic shall be watered periodically; • Streets adjacent to the Ponto Area shall be swept as needed to remove silt that may have accumulated from construction activities so as to prevent excessive amounts of dust; • All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day; • All clearing, grading, earth-moving, or excavation activities shall cease during periods of high winds (i.e., greater than 35 miles per hour averaged over one hour) so as to prevent excessive amounts of dust; • All material transported onsite or offsite shall be either sufficiently watered or securely covered to prevent excessive amounts of dust; • The area disturbed by clearing, grading, earth-moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust; and, 	Significant and Not Mitigated.

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<ul style="list-style-type: none"> These control techniques shall be indicated on project grading plans. Compliance with this measure shall be subject to periodic site inspections by the City of Carlsbad. 	
Impact AQ-2: The proposed project was found to have a significant and unavoidable air quality impact (fugitive dust) as the result of trucks hauling material on and offsite.	AQ-2 All trucks hauling excavated or graded material onsite shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4), as amended, regarding the prevention of such material spilling onto public streets.	Significant and Not Mitigated.
Impact AQ-3: The proposed project was found to have a significant and unavoidable air quality impact (fugitive dust) as the result of construction equipment onsite.	AQ-3 During construction activities, excessive construction equipment and vehicle exhaust emissions shall be controlled by implementing the following procedures: <ul style="list-style-type: none"> Properly and routinely maintain all construction equipment, as recommended by manufacturer manuals, to control exhaust emissions. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling engines. Encourage ride sharing and use of transit transportation for construction employee commuting to the Project sites. Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing construction activity during the peak-hour of vehicular traffic on adjacent roadways. 	Significant and Not Mitigated.

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
<p>Impact AQ-6: The proposed project was found to have a significant and unavoidable air quality impact as the result of operational emissions that would exceed the SDAPCD thresholds in regards to ROGs and PM₁₀.</p>	<p><i>Long-Term (Operational) Impacts</i></p> <p>AQ-6 Prior to approval of site development plans for future development within the Ponto Area, the City shall ensure that all of the operational mitigation measures identified below are identified and included as part of the project development plans, as applicable. These measures shall be implemented by the project applicant of each individual project when development plans are proposed, and shall be verified by the City of Carlsbad Planning Department.</p> <ul style="list-style-type: none"> • The City shall recommend that the proposed surrounding commercial facilities which incorporate gas stations utilize pumps dispensing oxygenated gasoline (especially during winter months, typically taken as November through February inclusive) in an effort to reduce overall CO emissions within the air basin due to traffic traveling to and from the project site. In addition, the City shall recommend that workers at surrounding commercial facilities participate in ride-share programs and seek alternate forms of transportation to the site. • Future onsite commercial land uses shall implement design measures that promote the use of alternative modes of transportation, such as: <ul style="list-style-type: none"> - Mixed- use development (combine residential, retail, employment, and commercial). - Sidewalks; safe street and parking lot crossings; showers and locker rooms; sheltered transit stops; theft-proof well-lighted bicycle storage facilities with convenient access to building entrance; carpools and vanpools. - Onsite services to reduce need for offsite travel such as: childcare; telecommute center; retail stores; postal machines; and automatic teller machines. 	<p>Significant and Not Mitigated.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<ul style="list-style-type: none"> - Commercial and retail businesses shall <u>should be encouraged to</u> schedule operations during off-peak travel times; adjust business hours; and allow alternative work schedules, telecommuting. - Provide preferential parking for carpool/vanpool vehicles. - Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc. - Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development. • Increase wall and attic insulation beyond Title 24 requirements. • Plant shade trees in surface parking lots to reduce evaporative emissions from parked vehicles. • Use lighting controls and energy-efficient interior lighting, and built-in energy efficient appliances. • Use double-paned windows. • Use energy-efficient low sodium parking lot and streetlights. 	

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
Noise (Section 5.5)		
<p>Impact N-1: The proposed project could result in significant and unavoidable short-term noise impacts as the result of construction activities.</p>	<p>Short-Term (Construction) Impacts</p> <p>N-1 For all projects within 1,000 feet within residential neighborhoods, prior to Grading Permit issuance, future developments shall demonstrate to the City of Carlsbad that the project complies with the following:</p> <ol style="list-style-type: none"> 1. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers; 2. Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible; 3. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers; 4. During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors; 5. Operate earthmoving equipment on the construction site, as far away from vibration sensitive sites as possible; and, 6. Construction hours, allowable workdays and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the receives a complaint, appropriate corrective actions shall be implemented and a report the action taken to the reporting party. 	<p>Significant and Not Mitigated.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
Impact N-2: The proposed project could result in significant and unavoidable short-term noise impacts as the result of construction activities.	N-2 As provided within the City of Carlsbad <i>Municipal Code</i> , Section 8.48.010, Construction activities shall occur Monday through Friday between the hours of 7:00 A.M. to sunset and on Saturdays from 8:00 A.M. to sunset, excluding Sundays and legal holidays.	Less than Significant Impact.
IMPACTS MITIGATED TO LESS THAN SIGNIFICANT		
Air Quality (Section 5.1)		
Impact AQ-4: The proposed project was found to have a significant air quality impact (asbestos) as the result of demolition activities.	Short-Term (Construction) Impacts AQ-4 The construction contractor shall adhere to SDAPCD District Rule 361.150 (Standards for Waste Disposal for Manufacturing, Fabricating, Demolition, Renovation, and Spraying Operations) to regulate asbestos emissions as a result of demolition activities.	Less than Significant Impact.
Impact AQ-5: The proposed project was found to have a significant air quality impact as the result of architectural improvements (volatile organic compounds).	AQ-5 The construction contractor shall adhere to SDAPCD District Rule 67.0 (Architectural Coatings) to limit volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.	Less Than Significant Impact.
Biological Resources (Section 5.2)		
Impacts B-1a to B-4e1g: The proposed project was found to have a significant impact on sensitive biological resources including southern willow scrub, southern coastal bluff scrub, Diegan coastal sage scrub, eucalyptus woodland, and disturbed habitat.	Sensitive Vegetation Communities Mitigation measures and ratios used below are based on the City's HMP. The proposed mitigation measures are based on the impacts of the project; refer to Tables 5.2.7 to 5.2.9. Given the nature of the study area (including approximately 1,600 linear feet of Carlsbad Boulevard and beach as well as a portion of South Carlsbad State Beach) mitigation would likely occur offsite within the preserve system of the City's HMP, rather than within the study area. Individual property owners would be responsible for mitigating impacts to biological resources specific to their development proposals.	Less Than Significant Impact.

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p>B-1a Impacts to 0.04 acre of southern willow scrub shall be mitigated at a 3:1 ratio <u>either through on- or offsite creation (1:1 ratio) and enhancement (2:1 ratio) or offsite acquisition (3:1 ratio) of 0.12 acre of southern willow scrub credit at a wetland mitigation bank. A If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of final map.</u></p> <p>B -1b Impacts to 0.1 acre of southern coastal bluff scrub (including disturbed) shall be mitigated at a 3:1 ratio <u>either through offsite creation (1:1 ratio) and enhancement (2:1 ratio) or offsite acquisition (3:1 ratio) of 0.3 acre of southern coastal bluff scrub or other Group B habitat, as defined in the City's HMP, within the City's proposed preserve system. At an approved mitigation bank. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of final map.</u></p> <p>B-1c Impacts to 1.2 acres of unoccupied Diegan coastal sage scrub (including disturbed) shall be mitigated at a 2:1 ratio through <u>creation at a minimum 1:1 ratio (to meet the no net loss policy of Diegan coastal sage scrub within the coastal zone) and either creation or the offsite acquisition at a 1:1 ratio of 2.4 acres within the City's proposed preserve system. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of final map.</u></p> <p>B-1d Impacts to 0.3 acre of eucalyptus woodland shall be mitigated with payment of a fee into the City's Habitat In Lieu Mitigation Fee fund, consistent with the City's fee schedule at the time of permit issuance. <u>The City has adopted an In-lieu Mitigation Fee, consistent with Section</u></p>	

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p><u>E.6 of the Habitat Management Plan and City Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of vegetation and animal species. All development projects within the Ponto Area shall be required to pay the fee in order to be found consistent with the Habitat Management Plan and the Open Space and Conservation Element of the General Plan. The fee shall be paid prior to recordation of a final map or issuance of a grading permit or building permit, whichever occurs first.</u></p> <p>B-1e Impacts to 21.1 acres of disturbed habitat shall be mitigated with payment of a fee into the City's Habitat In Lieu Mitigation Fee fund, consistent with the City's fee schedule at the time of permit issuance. The City has adopted an In-lieu Mitigation Fee, consistent with Section <u>E.6 of the Habitat Management Plan and City Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of vegetation and animal species. All development projects within the Ponto Area shall be required to pay the fee in order to be found consistent with the Habitat Management Plan and the Open Space and Conservation Element of the General Plan. The fee shall be paid prior to recordation of a final map or issuance of a grading permit or building permit, whichever occurs first.</u></p> <p>B-1f <u>If restoration for impacts to southern willow scrub, southern coastal bluff scrub, and/or Diegan coastal sage scrub occurs, the project applicant shall execute and record a perpetual biological conservation easement over habitat to be preserved for project-related mitigation. The easement shall be in favor of an agent approved by the USFWS and CDFG. Either the USFWS or CDFG shall be named as third party beneficiary. Further, the project applicant shall prepare and implement a perpetual management, maintenance, and monitoring plan for all biological conservation easements. The project applicant shall also provide a non-wasting endowment for an amount approved by the USFWS and CDFG (based on a cost estimation method) to secure the</u></p>	

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p><u>ongoing funding for the perpetual management, maintenance, and monitoring of biological conservation easement areas.</u></p> <p>B-1g Project-specific development shall be required to comply with the provisions of Section 7-11 (Buffers and Fuel management) and Section 7-12 (Grading and Landscaping Requirements) of the City's HMP.</p>	
<p>Impacts B-2a and 2b: The proposed project was found to have a significant impact on Corps jurisdictional wetlands, non-wetland Waters of the U.S, CDFG jurisdictional wetlands, and CDFG jurisdictional streambed.</p>	<p>Jurisdictional Areas</p> <p>B-2a Impacts to 0.04 acre of Corps jurisdictional wetlands and 0.11 acre of non-wetland Waters of the U.S. shall be mitigated by the creation and/or enhancement of 0.23 acre of jurisdictional areas on or offsite at 3:1 and 1:1 ratio, respectively, as determined by the resource agencies.</p> <p>B-2b Impacts to 0.04 acre of CDFG jurisdictional wetlands and 0.17 acre of CDFG jurisdictional streambed shall be mitigated by the creation and/or enhancement of 0.29 acre of jurisdictional areas on or offsite at 3:1 and 1:1 ratio, respectively, as determined by the resource agencies.</p>	<p>Less Than Significant Impact.</p>
<p>Impact B-3: The proposed project was found to have a significant impact on sensitive biological resources from construction noise.</p>	<p>Construction Noise</p> <p>B-3a No grubbing, grading, or clearing within 500 feet of occupied Diegan coastal sage scrub during the coastal California gnatcatcher breeding season (March 1 through August 15) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. <u>If grubbing, grading, or clearing is proposed during the coastal California gnatcatcher breeding season, a pre-construction survey shall be conducted to determine if this species occurs within the areas impacted by noise (either within 500 feet or where noise is greater than 60 dB Leq or the ambient noise level). If there are no coastal California gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within this impact area, development shall be allowed to proceed. However, if coastal California gnatcatchers are observed nesting or displaying breeding/nesting behavior within the area,</u></p>	<p>Less Than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p><u>construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after August 15; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB Leq, or the ambient noise level, in lieu of or in concert with a wall or other noise barrier.</u></p> <p>B-3b <u>No grubbing, grading, or clearing within 500 feet of the Least Tern Preserve during the least tern breeding season (April through September) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing is proposed during the least tern breeding season, a noise study shall be conducted to determine if construction noise would be greater than 60 dB Leq or the ambient noise level within the Least Tern Preserve. If the noise level within this impact area exceeds 60 dB Leq or the ambient noise level within the Least Tern Preserve, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after September 30; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq or the ambient noise level. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB Leq, or the ambient noise level, in concert with a wall or other noise barrier.</u></p> <p>B-3c <u>No grubbing, grading, or clearing within 500 feet of, California least tern breeding season (April through August) or raptor nesting habitat (such as eucalyptus trees) during the raptor breeding season (December through July) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing would occur is proposed during the gnateater, least tern, and/or raptor breeding season, a pre-construction survey shall be conducted to determine if these species occur within the areas impacted by noise</u></p>	

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p>(either within 500 feet or where noise is greater than 60 dB L_{eq} <u>or the ambient noise level</u>). If there are no gnatcatchers, least tern, or raptors nesting (includes nest building or other breeding/nesting behavior) within this designated area, development shall be allowed to proceed. However, if any of these birds <u>raptors</u> are observed nesting or displaying breeding/nesting behavior within the area, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after August <u>July 15</u>; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB L_{eq} <u>or the ambient noise level</u>. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB L_{eq} <u>or the ambient noise level</u>, in lieu of or in concert with a wall or other noise barrier.</p> <p>B-3d In order to ensure compliance with the MBTA, clearing of all vegetation shall occur outside of the breeding season of most avian species (February 15 through September 15). Grubbing, grading, or clearing during the breeding season of MBTA-covered species could occur if it is determined via a pre-construction survey that no nesting birds (or birds displaying breeding or nesting behavior) are present immediately prior to grubbing, grading, or clearing and would require approval of the City, USFWS, and CDFG that no breeding or nesting avian species are present in the vicinity of the grubbing, grading, or clearing.</p>	

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
<p>Impact B-4: The proposed project was found to have a significant impact regarding harm from domesticated animals on wildlife.</p>	<p><i>Domesticated Pets</i></p> <p>B-4 Exotic animal control shall focus on both nuisance species and domestic pets. The Each Homeowner's Association (HOA; for residential projects), property owners (for all non-residential projects), and the City of Carlsbad (for public spaces) shall be responsible for taking steps to prevent problems from nuisance animals and pets by an integrated program of education; signage; litter and refuse collection; prohibition against feeding wildlife, pest-proof refuse containers; pest eradication (as necessary), and coordination with CDFG and other habitat managers as necessary. shall be conditioned to include measures in the Covenants, Codes and Restrictions (CC&R's) to promote resident education regarding the potential impacts of pets on wildlife through signage and newsletters. Persistent problems related to uncontrolled pets shall be reported to the San Diego County Animal Control. In addition, permanent fencing, approved by the USFWS and CDFG, shall be provided along the top of slope overlooking Batiquitos Lagoon to reduce intrusion into the lagoon by pets.</p>	<p>Less Than Significant Impact.</p>
<p>Impact B-5: The proposed project was found to have a significant impact on sensitive biological resources from night lighting.</p>	<p><i>Night Lighting</i></p> <p>B-5 Lighting within the Outdoor lighting proposed project with development of lands adjacent to preserved habitat (i.e. Resort Hotel) shall be of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from preserved habitat. Outdoor lighting proposed with development plans for such lands shall be reviewed and approved by the City as part of the application review process to reduce potential impacts relative to light and glare.</p>	<p>Less Than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
<p>Impact B-6: The proposed project was found to have a significant impact on sensitive biological resources from errant construction.</p>	<p><i>Errant Construction</i></p> <p>B-6 During the construction period, limits of grading and clearing shall be clearly delineated with temporary fencing such as orange construction and silt fencing to ensure that construction activity remains within the defined limits of disturbance according to the grading plan. <u>All temporary fencing shall be placed on the impact side of the interface.</u> A qualified biologist shall inspect the fencing and shall monitor construction activities occurring adjacent to the construction limits to avoid unauthorized impacts. Unauthorized impacts shall be reported to the USFWS, CDFG, and City within 24 hours of occurrence and <u>shall be mitigated at a 5:1 ratio. Temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction.</u></p>	<p>Less Than Significant Impact.</p>
Cultural and Paleontological Resources (Section 5.3)		
<p>Impact CR-1: The proposed project was found to have a significant impact on cultural resources as the result of future site improvement activities.</p>	<p>Development of the Ponto site could potentially result in significant impacts to undiscovered archaeological resources during the grading and construction phases. To reduce impacts to less than significant, the following mitigation measure is proposed:</p> <p><i>Data Recovery Program</i></p> <p>CR-1 Prior to issuance of any Grading Permits or approval of improvement plans, the applicant shall:</p> <p>A. Implement a Data Recovery Program, in compliance with the City of Carlsbad's Cultural Resource Guidelines Criteria and Methodology, to mitigate potential impacts to undiscovered buried archaeological resources on properties located within the Ponto Area to the satisfaction of the Planning Director. This program shall include, but shall not be limited to, the following actions:</p> <p>1. Provide evidence to the Planning Department that a qualified archaeologist and/or archaeological monitor has been contracted to</p>	<p>Less than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p>implement a grading, trenching, brushing monitoring and data recovery program to the satisfaction of the Planning Director. A copy of the contract as well as a letter from the applicant and the archaeologist and/or archaeological monitor shall be submitted to the director of Planning Director. The contract shall include the following guidelines:</p> <ul style="list-style-type: none"> a. The consulting archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program. b. The consulting archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program. c. The consulting archaeologist shall monitor all areas identified for development. d. An adequate number of monitors (archaeological/historical/ Native American) shall be present to ensure that all earth moving activities area are observed and shall be onsite during all grading activities. e. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor shall be onsite full-time to perform full-time monitoring as determined by the PrinciplePrincipal Investigator of the excavations. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. f. Isolates and clearly non-significant deposits will be minimally documented in the field and the monitored grading can proceed. g. In the event that previously unidentified potentially significant 	

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p>cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the City at the time of discovery. The archaeologist, in consultation with the City, shall determine the significance of the discovered resources. The City must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the City, then carried out using professional archaeological methods.</p> <p>h. If any human bones are discovered, the Principal <u>Principal</u> Investigator shall contact the City Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.</p> <p>i. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s)/Principal Investigator shall determine the amount of material to be recovered for an adequate sample for analysis.</p> <p>j. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program and all previous archaeological studies shall be processed and curated according to current professional repository standards. The collections and associated records shall be transferred, including release of title, to a permanently curated at a qualified repository as defined by the “State of</p>	

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p>California Guidelines for the Curation of Archaeological Collections.” The affected landowner shall agree to pay such fees as required for curation that are in effect for the selected repository at the time of curation. Evidence must be provided to the satisfaction of the Planning Director and that all fees have been paid. All curation activities shall be completed within six months of project completion.</p> <p>k. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the director Planning Director prior to the issuance of any building permits.</p> <p>l. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Planning Director by the consulting archaeologist that the grading monitoring activities have been completed.</p>	
<p>Impact CR-2: The proposed project was found to have a significant impact on cultural <u>paleontological</u> resources as the result of future site improvement activities.</p>	<p><i>Short Term</i></p> <p>CR-2: Prior to issuance of grading permits and approval of improvement plans pursuant to approval of any map, the applicant shall retain a qualified paleontologist to monitor the site during grading. The applicant shall provide evidence to the satisfaction of the Planning Director of contracting with a paleontologist through a letter prepared by the paleontologist that states he/she has been retained by the applicant. The paleontologist shall attend all pre-grading meetings to consult with grading contractors.</p> <p>A paleontological monitor shall be present onsite during all grading operations to evaluate the presence of fossils. The paleontologist shall have the authority to direct, divert, or halt any grading activity until such</p>	<p>Less than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p>time that the sensitivity of the resource can be determined and the appropriate mitigation implemented.</p> <p>Prior to approval of the Final Map, the applicant shall furnish documentary evidence to the satisfaction of the Planning Director that prepared fossils, along with copies of field notes, photos, and maps have been deposited in a scientific institution, such as the San Diego Natural History Museum.</p>	
Hazards and Hazardous Materials (Section 5.4)		
<p>Impact HM-1: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite.</p>	<p><i>Structures</i></p> <p>HM-1 Prior to the commencement of demolition or renovation activities, the interior of individual onsite structures within the Ponto Area shall be visually inspected. Should hazardous materials be encountered with any onsite structure, the materials shall be tested and properly disposed of offsite in accordance with State and Federal regulatory requirements. Any stained soils or surfaces underneath the removed materials shall be sampled. Results of the sampling would indicate the appropriate level of remediation efforts that may be required.</p>	<p>Less Than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
<p>Impact HM-2: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (asbestos-containing materials).</p>	<p><i>Asbestos Containing Materials</i></p> <p>HM-2 Prior to the commencement of any remedial or demolition work, building owners shall contract with a certified professional to conduct an asbestos survey, consistent with National Emission Standards for Hazardous Air Pollutants (NESHAP) standards to determine the presence of ACMs. Demolition of or within existing buildings on individual parcels onsite must comply with State law, which requires a certified contractor where there is asbestos-related work involving 100 square feet of more of ACMs to ensure that certain procedures regarding the removal of asbestos are followed.</p>	<p>Less Than Significant Impact.</p>
<p>Impact HM-3: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (lead-based paints).</p>	<p><i>Lead Based Paints</i></p> <p>HM-3 If, during demolition of any onsite structures on individual parcels, paint is separated from the building material (e.g., chemically or physically), the paint waste shall be evaluated independently from the building material to determine its proper management. According to the Department of Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). It is recommended that the landfill operator be contacted in advance to determine any specific requirements for the disposal of lead-based paint materials.</p>	<p>Less Than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
<p>Impact HM-4: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (miscellaneous debris).</p>	<p><i>Other Hazardous Materials</i></p> <p><i>Miscellaneous Debris</i></p> <p>HM-4 Prior to issuance of a grading permit, all miscellaneous debris (i.e., wood, concrete, 55-gallon drums, miscellaneous household debris, automobiles, scrap metal, construction equipment, paint cans, batteries, and plastic and metal piping, etc.) shall be removed offsite and properly disposed of at an approved landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.</p> <p>All light industrial equipment associated with hazardous materials storage, mixing, and/or use (i.e., fume-hoods, vents, piping, etc.) shall be properly disposed of in accordance with State and Federal regulations at an approved offsite landfill facility.</p>	<p>Less Than Significant Impact.</p>
<p>Impact HM-5: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (septic tanks).</p>	<p><i>Septic Tanks</i></p> <p>HM-5 Prior to the issuance of a grading permit, the specific location of onsite septic tanks shall be determined. Once located, septic tanks shall be removed and properly disposed of at an approved offsite landfill facility. Once the tanks are removed, a visual inspection of the areas beneath and around the removed tanks shall be performed. Any stained soils observed underneath the septic tanks shall be sampled. Results of the sampling (if necessary) would indicate the level or remediation efforts that shall be required.</p>	<p>Less Than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
Impact HM-6: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (documented USTs).	Documented USTs HM-6 Prior to the issuance of a grading permit, the presence/absence of documented USTs located at the assigned address 7204 Ponto Drive shall be confirmed by a qualified Phase II/III hazardous materials consultant. Should a UST(s) be present, the UST shall be removed and properly disposed of at an approved offsite landfill facility. Once removed, a visual inspection of the areas beneath and around the removed UST(s) shall be performed. Any stained soils observed shall be segregated and sampled. As a result of sampling (if necessary), the identified level of remediation shall be required.	Less Than Significant Impact.
Impact HM-76: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (unidentified pipes).	Unidentified Pipes HM-76 Prior to issuance of a grading permit, the terminus of all existing, unidentified metal pipes within an individual property shall be defined (as applicable). Should a UST be present in association with such pipes, the UST shall be removed and properly disposed of offsite at an approved landfill facility. Once the UST is removed, a visual inspection of the areas beneath and around the removed UST shall be performed. Any stained soils observed underneath the UST shall be sampled. As a result of sampling (if necessary), the identified level of remediation shall be required.	Less Than Significant Impact.
Impact HM-87: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (pole-mounted transformers).	Pole-mounted Transformers HM-87 Transformers and/or hydraulic lifts to be relocated during site construction/demolition shall be conducted under the purview of the local utility purveyor to identify property-handling procedures regarding potential PCBs.	Less Than Significant Impact.

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
Impact HM-98: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (stained concrete/asphalt).	<i>Stained Concrete/Asphalt</i> HM-98 Prior to issuance of a grading permit, any stained concrete/asphalt shall be removed and disposed of offsite at an appropriate permitted facility. Once removed, exposed soils shall be visually observed to confirm the presence/absence of staining (an indication of contamination migration into the subsurface). If observed, stained soils shall be segregated and tested to identify appropriate remedial activities if necessary which shall then be implemented.	Less Than Significant Impact.
Impact HM-109: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (above ground storage tanks).	<i>Above Ground Storage Tanks</i> HM-109 Prior to issuance of a grading permit, onsite ASTs shall be removed and properly disposed of offsite at an approved landfill facility. Once the ASTs are removed, a visual inspection of the areas beneath and around the removed ASTs shall be performed. Stained soils observed underneath the ASTs shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.	Less Than Significant Impact.
Impact HM-110: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (Unidentified Soil/Gravel Piles).	<i>Unidentified Soil/Gravel Piles</i> HM-110 Prior to issuance of a grading permit, onsite soil/gravel piles shall be removed from each individual property and properly disposed of. Due to the unknown origin of the soil/gravel piles, the piles shall be sampled and tested for hazardous materials. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.	Less Than Significant Impact.

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
Impact HM-1211: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (High Pressure Gas Line).	<i>High Pressure Gas Line</i> HM-12-11 Prior to any excavation within the Ponto Area, the exact location of the high-pressure gas line shall be defined prior to the commencement of construction. Any activities occurring within the gas line easement shall be conducted pursuant to applicable guidelines and regulations.	Less Than Significant Impact.
Impact HM-1312: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (storage units).	<i>Storage Units</i> HM-13-12 Prior to demolition, the interior of the onsite storage units shall be visually inspected prior to removal. The storage units shall be removed and properly disposed of offsite at an approved landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.	Less Than Significant Impact.
Impact HM-1413: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (concrete foundation).	<i>Concrete Foundation</i> HM-1413 Prior to issuance of a grading permit, the affected owner shall remove the existing concrete foundation in the northern portion of the development area and properly dispose of it at an approved offsite landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.	Less Than Significant Impact.

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
<p>Impact HM-15a14a-c: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (soil sampling).</p>	<p>Soil Sampling</p> <p>HM-15a-14a Prior to the issuance of a grading permit, where surficial staining is visible associated with the automobile and storage areas, soils shall be excavated to determine the exact vertical extent of the contamination (if any). If during soil removal, evidence of petroleum products appears to continue below the ground surface, sampling shall be performed characterize the extent of contamination and identify appropriate remedial measures that shall be implemented.</p> <p>HM-15b-14b If directed by the City, prior to issuance of a grading permit, individual landowners shall contract with a certified Phase II/III specialist to conduct soil sampling to identify any pesticide residues in the soil related to historic agricultural uses onsite. The sampling will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that shall be required.</p> <p>HM-15c-14c Prior to issuance of a grading permit, construction in which the soil around the historic railway alignment is to be disturbed shall be conducted under the purview of the local regulatory agency to identify presence of gasoline, diesel, and/or creosote within the soils and to identify proper handling procedures. A visual inspection of the areas beneath and around the removed area shall be performed. Any stained soils observed underneath the adjacent area shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.</p>	<p>Less Than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
<p>Impact HM-4615: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (construction activities).</p>	<p><i>Construction Activities</i></p> <p>HM-4615 If unknown wastes or suspect materials are discovered during construction on individual properties that are believed to involve hazardous waste/materials, the contractor shall:</p> <ul style="list-style-type: none"> • Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; • Notify the Project Engineer of the implementing Agency; • Secure the areas as directed by the Project Engineer; and, • Notify the implementing Agency's Hazardous Waste/Materials Coordinator. 	<p>Less Than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
Noise (Section 5.5)		
<p>Impact N-3a: The proposed project could result in significant long-term noise impacts as the result of mobile sources.</p>	<p>Long-Term (Mobile) Impacts</p> <p>N-3a <u>Prior to final discretionary development approval, property owners within the Ponto Area shall prepare a site-specific noise analysis to the satisfaction of the City Director of Planning.</u>Prior to Final Development Plan approval for future developments within the Ponto Area, subsequent noise studies shall be prepared to the satisfaction of the City of Carlsbad, which demonstrates that mobile noise sources would not exceed maximum interior noise level criteria established for residential uses in the City General Plan and that maximum exterior noise levels have been mitigated to the maximum extent feasible. The acoustical reports shall also be prepared pursuant to the City of Carlsbad <i>Noise Guidelines Manual</i>. The analysis shall verify that residences are adequately shielded and/or located at an adequate distance from mobile noise sources in order to comply with the City's noise standards. Individual developments shall, to the extent feasible, implement site-planning techniques such as:</p> <ul style="list-style-type: none"> • Increasing the distance between the noise source and the receiver; • Using non-noise sensitive structures such as garages to shield noise-sensitive areas; • Orienting buildings to shield outdoor spaces from a noise source; • Orienting non-noise generating uses toward existing adjacent residential uses; • Designating a commercial truck route along Avenida Encinas to minimize Routing potential truck noise along interior roadways by routing such vehicles commercial truck traffic away from more noise-sensitive uses within the Ponto Area. 	<p>Less Than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<ul style="list-style-type: none"> Individual developments shall incorporate architectural design strategies, which reduce the exposure of noise-sensitive spaces to stationary noise sources (i.e., placing bedrooms or balconies on the side of the house facing away from noise sources). These design strategies shall be implemented based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards; Individual developments shall incorporate noise barriers, walls, or other sound attenuation techniques, based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards; and, Elements of building construction (i.e., walls, roof, ceiling, windows, and other penetrations) shall be modified as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets. 	
<p>Impact N-3b: The proposed project could result in significant long-term noise impacts as the result of mobile sources.</p>	<p>N-3b Through Site Plan review, and to the satisfaction of the City Planning Director, the location of driveways and service entrances associated with hotel uses within the Commercial Tourist (CT) zone shall be restricted to locations where such access points are not directly across from existing residential uses.</p>	<p><u>Less Than Significant Impact.</u></p>
<p>Impact N-4a: The proposed project could result in significant long-term noise impacts resulting from stationary sources.</p>	<p>Long-Term (Stationary) Impacts</p> <p>N-4a Electrical and mechanical equipment (i.e., ventilation and air conditioning units) shall be located away from sensitive receptor areas. Additionally, the following considerations should be given prior to installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporation of the use</p>	<p><u>Less Than Significant Impact.</u></p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p>of parapets into building design. <u>Prior to final discretionary development approval, property owners within the Ponto Area shall prepare a subsequent site-specific noise analysis shall be prepared</u> Prior to Final Development Plan approval for future developments within the Ponto Area, subsequent noise studies shall be prepared to the satisfaction of the City of Carlsbad <u>Director of Planning</u>, which demonstrates that noise from electrical and mechanical equipment would not exceed maximum interior noise level criteria established for residential uses in the City General Plan and that maximum exterior noise levels have been mitigated to the maximum extent feasible.</p>	
<p>Impact N-4b: The proposed project could result in significant long-term noise impacts resulting from stationary sources associated with operation.</p>	<p>N-4b A bermed/landscaped buffer shall be provided adjacent to the property boundary within areas zoned as Commercial-Tourist (CT) to distance future land uses from existing adjacent residential uses. Consistent with the City's <i>Standard Conditions of Approval</i>, the applicant shall submit, to the satisfaction of the City Planning Director, a Landscape Plan illustrating the buffer and the landscaping proposed. The Landscape Plan shall be consistent with the City's Landscape Design Manual.</p>	<p><u>Less than Significant Impact.</u></p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
Traffic and Circulation (Section 5.6)		
<p>Impact T-1: The proposed project would result in significant impacts to the following intersections:</p> <p>La Costa Avenue / Vulcan Avenue</p>	<p>T-1 Impacts to the affected intersections shall be mitigated by implementation of the following improvements:</p> <p>La Costa Avenue / Vulcan Avenue: Alternative 1: Install traffic signal with La Costa widening to facilitate intersection improvements. (with la Costa widening to four lanes) or Alternative 2: Restrict left turn access.</p> <p><u>Prior to the issuance of a building permit, developers within the Ponto Area shall pay a pro-rata fair share contribution to the La Costa Avenue/Vulcan Avenue improvement.</u></p> <p><u>The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADT's.</u></p> <p>The City of Carlsbad shall update the City's Capital Improvement Program (CIP) to include the improvements listed in Mitigation Measure T-1. The CIP shall determine the timing of the intersection improvements, which shall be based on triggering mechanisms and/or thresholds to be identified in the CIP. Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution towards the improvements listed in Mitigation Measure T-1. The payment of appropriate fees shall be determined, secured, and recorded by the City Engineer prior to issuance of demolition, grading, and/or building permits and to the satisfaction of the City of Carlsbad Director of Public Works.</p> <p><u>This intersection is located within the jurisdiction of the City of Encinitas and the improvements to this intersection are already required mitigation as part of</u></p>	<p>Less than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p><u>the City of Encinitas adopted North 101 Corridor Specific Plan and have been included in the City of Encinitas Capital Improvement Program (CIP). Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution towards the improvements listed in Mitigation Measure T-1.</u></p> <p><u>Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue/Highway 101 and La Costa Avenue/Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate based on current information. Annual adjustments shall be made as described in Appendix G-2. Calculations for the cost estimate are provided in Appendix G-2. As shown in Figures 5.6-8 and 5.6-9 the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent (5,003 ADT/18,300 ADT = 27%) of the total cost, or \$1,440,450 (\$5,335,000 x 0.27 = \$1,440,450). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area based on the traffic they contribute to the intersection.</u></p>	
<p>Impact T-2: The proposed project would result in significant impacts to the following roadway segments: <u>La Costa Avenue / Carlsbad Boulevard North Coast Highway 101</u></p>	<p>T-2 Impacts to the affected intersections shall be mitigated by implementation of the following improvements:</p> <p style="padding-left: 40px;"><u>La Costa Avenue / Carlsbad Boulevard North Coast Highway 101:</u> Widen north leg to include two left turn lanes and two through lanes and widen east leg to include two left turn lanes and one right turn lane.</p> <p><u>Prior to the issuance of a building permit, developers within the Ponto Area shall pay a pro-rata fair share contribution to the La Costa Avenue/North Coast Highway 101 improvement:</u></p> <p><u>The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in</u></p>	<p>Less than Significant Impact.</p>

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<p><u>estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADT's.</u></p> <p>The City of Carlsbad shall update the City's Capital Improvement Program (CIP) to include the improvements listed in Mitigation Measure T-2. The CIP shall determine the timing of the intersection improvements, which shall be based on triggering mechanisms and/or thresholds to be identified in the CIP. Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution towards the improvements listed in Mitigation Measure T-2. The payment of fees shall be secured and recorded by the City Engineer prior to issuance of demolition, grading, and/or building permits and to the satisfaction of the City of Carlsbad Director of Public Works.</p> <p><u>This intersection is located within the jurisdiction of the City of Encinitas. The improvements to this intersection are already required as mitigation as part of the City of Encinitas adopted North 101 Corridor Specific Plan, and other development projects located within the City of Encinitas and are included in the City of Encinitas CIP. Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution to the City of Encinitas towards the improvements listed in Mitigation Measure T-2.</u></p> <p><u>Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving the La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue/Highway 101 and La Costa Avenue/Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate only based on current information. Annual adjustments shall be made as described in Appendix G-2. Calculations for the cost estimate are provided in Appendix G-2. As shown in Figures 5.6-8 and 5.6-9 the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent (5,003</u></p>	

Table S-1 continued

<u>POTENTIAL IMPACT</u>	<u>MITIGATION MEASURES</u>	<u>SIGNIFICANCE OF IMPACT AFTER MITIGATION</u>
	<u>ADT/18,300 ADT = 27%) of the total cost, or \$1,440,450 (\$5,335,000 x 0.27 = \$1,440,450). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area through a fair share contribution based on the traffic they contribute to the intersection.</u>	
<p>Impact T-3: The proposed project would result in significant impacts to the following roadway segments under 2030 traffic volumes:</p> <p><u>La Costa Avenue between Vulcan Avenue and Interstate 5.</u></p>	<p><u>Potential impacts to La Costa Avenue between Vulcan Avenue and Interstate 5 are mitigated to less than significant with the implementation of mitigation measures T-1 and T-2.</u></p>	<p><u>Less than significant</u></p>
CUMULATIVE IMPACTS MITIGATED TO LESS THAN SIGNIFICANT		
Traffic and Circulation (Section 7.1.7)		
<p>Impacts T-1 through T-2: The proposed project would contribute to cumulative impacts to intersections and roadways as identified in Impacts T-1 through T-2.</p>	<p>Mitigation Measures T-1 through T-2 (refer to Section 5.6.4) would mitigate the Vision Plan's contribution to cumulative intersection and roadway impacts that would occur under the year 2010 analysis.</p> <p>Prior to issuance of a building permit, evidence shall be required to ensure that Mitigation Measures T-1 through T-2 (refer to Section 5.6.4) would be implemented (as applicable) at the discretion of the City Director of Public Works, to mitigate a project's contribution to potential traffic impacts.</p>	<p>Less than Significant.</p>

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3.0 PROJECT DESCRIPTION

3.1 Site Location and Description

The Ponto Beachfront Village Vision Plan area is located within the City of Carlsbad, California, in northern San Diego County. Figures 3-1 and 3-2 provide a regional map and a vicinity map, respectively. The Ponto Vision Plan Study Area is located within an approximately 130-acre, relatively narrow strip of land, approximately 1/8 mile wide and 1–1/2 miles long, located between Carlsbad Boulevard to the west and the San Diego Northern Railroad tracks and right-of-way to the east. Portions of the plan area extend north to Poinsettia Lane and south to La Costa Avenue.

Under the Ponto Beachfront Village Vision Plan, the area considered viable for future development (hereafter referred to as the “Ponto Area”) consists of approximately 50 acres, with its northern limit at Ponto Drive and its southern limit at the Batiquitos Lagoon. Figure 3-4 provides an aerial photo of the project area and identifies the Ponto Study Area and the Area of Future Development. The property includes Assessor Parcel Numbers (APNs) 214-160-04, -05, -06, -10, -11, -13, -19, -20, -21, -24, -25, -27, -28, -29, -34, -35, -36; 214-171-11; 214-590-04; 216-010-01, -02, -03, -04, -05; and 216-140-17, -18. Specifically, the approximately 50-acre development area is located on the USGS Encinitas, California 7.5’ topographic quadrangle within the southwest corner of Section 28, the southeast corner of Section 29, the northeast corner of Section 32, and the northwest portion of Section 33, Township 12 South and Range 4 West of the San Bernardino Base Meridian.

A portion of the Ponto Area is within the South Carlsbad Coastal Redevelopment Area (SCCRA) which was established in July 2000; refer to Figure 3-3. The SCCRA Redevelopment Plan gives the Carlsbad Housing and Redevelopment Commission the legal authority to use various powers to achieve the goals of the Redevelopment Plan.

The proposed development area currently consists of 16 lots supporting residential units mixed with small light-industrial type businesses totaling approximately eight acres and 11 vacant lots totaling approximately 42 acres. The majority of the Ponto Area has been previously disturbed by former agricultural activities and various improvements and developments, including construction of the San Diego Northern Railroad, commercial structures, residential structures, drainage channels, and roadways. The majority of the 50-acre development area currently stands largely undeveloped, with the exception of a number of single-family residences, some of which have onsite businesses, including a wood and sheet metal shop, an auto service/storage yard, wood chipping, a salvage yard, heating and air conditioning manufacturer, dog kennel, a storage facility, and an upholstery and an antique store.

The following General Plan designations currently apply to the Ponto Area: UA – Unplanned Area; TR/C – Travel/Recreation Commercial; RMH – Residential Medium High (8–15 dwelling units/acre); RMH/TR – a dual designation indicating that with further planning, one or both uses may be appropriate; and, OS – Open Space and Community Parks. The project would require a General Plan Amendment to designate the Ponto Area as an area of “Special Planning Consideration” that will require proposed development within the Ponto Area to be

developed under the guidance of the Ponto Beachfront Village Vision Plan; refer to Table 3-1.

At present, there are three City zoning designations for the various parcels in the Ponto Area. These designations include: PC – Planned Community; CT-Q – Commercial Tourist zone with Qualified Development Overlay; RD-M-Q – Residential Density – Multiple zone with Qualified Development Overlay. Several parcels have a dual designation, CT-Q/RD-M-Q, indicating that with further planning, one or both uses may be appropriate. No changes to the existing zoning are proposed with implementation of the Vision Plan.

Onsite elevations across the 130-acre study area for the project range from approximately 80 feet above mean sea level (amsl) on top of the bridge abutments at the Poinsettia Lane overcrossing of the San Diego Northern Railroad to sea level along the Pacific shoreline and within Batiquitos Lagoon. The project site is located on a westerly sloping series of well-defined coastal terraces above the Pacific Ocean. ~~Topography~~ Onsite topography within the Ponto Area is generally gently sloping, with elevations generally ranging from approximately 30 feet amsl in the southern portion of the property to approximately 70 feet amsl just north of Avenida Encinas. The area south of Avenida Encinas is a bluff area with views out to the Batiquitos Lagoon and the Pacific Ocean. A high point in elevation occurs at the intersection of Ponto Drive and Avenida Encinas. Ponto Drive slopes down into the area of lowest elevation, where the former off-ramps and underpass for Old Highway 101 were located.

An approximately 570-foot long drainage averaging three feet wide originates east of Carlsbad Boulevard at Ponto Drive. The drainage runs south through an empty lot to a concrete ditch, which connects to a storm drain that then connects to the Pacific Ocean.

To the north of the Ponto Area is the Hanover Beach Colony residential neighborhood. Northeast of the Ponto Area is Lakeshore Gardens, a mobile home park. Shopping and services for the residential neighborhoods are located along Avenida Encinas, east of the residential areas. To the south of the project site is the Batiquitos Lagoon, and directly west of the Ponto Area, on the oceanfront bluffs adjacent to Carlsbad Boulevard, are the campsites of the South Carlsbad State Beach, with the beach and Pacific Ocean below.

The Ponto Beachfront Village Vision Plan EIR is intended to assess potential environmental impacts on a programmatic scale, rather than requiring individual owners within the Plan Area to prepare individual environmental documentation (i.e., an EIR), prior to development. The EIR will allow for areas affected by the Vision Plan to be fully analyzed for potential environmental impacts and for project alternatives to be analyzed to reduce potential impacts. Additional site-specific analysis may be required during the application review process when a landowner proposes development in order to assess environmental conditions on a project-level basis (i.e., hydrology, design measures to reduce noise, etc.).

3.2 Project Description

The Ponto Beachfront Village Vision Plan is intended to provide guidance for future development of the Ponto Area, as directed by the City of Carlsbad's General Plan and the South Carlsbad Coastal Redevelopment Area Plan. The Vision Plan sets forth a vision of what land uses could occur; presents goals and objectives that support the vision; and

provides an implementation strategy and design guidelines for the projects that will implement the vision.

The Vision Plan is intended for use by prospective developers and their consultants, City of Carlsbad staff, and those performing design review on individual projects. The Vision Plan is divided into six specific character areas with designated land uses. ~~(consistent with existing zoning)~~. However, the Plan allows for flexibility to respond to changing conditions in the future. As such, the Plan will allow for a designated land use in one character area to extend to an adjacent area, provided that the overall intent of the Vision Plan is not compromised. Extension of a land use into an adjacent character area would require approval from the Director of Housing and Redevelopment and the Director of Planning.

3.2.1 Vision Plan Land Use Summary

3.2.1.1 Proposed Land Uses

The Vision Plan provides overall guidance for development of the Ponto Area, and designates six distinct Character Areas: Mixed Use Center, Beachfront Resort, Townhouse Neighborhood, Village Hotel, Live-Work Neighborhood, and Garden Hotel. Although the Vision Plan is intended to establish an ideal scenario, individual projects may be implemented differently, and will be required to be consistent with the vision established within the Plan; refer to Figure 3-5 and Table 3-2. Refer also to the Ponto Beachfront Village Vision Plan for in-depth discussion of the proposed land uses. The following is a description of the land uses proposed within each of the six Character Areas:

- **Mixed Use Center** - The Mixed Use Center would be the core of the Ponto Beachfront Village and would contain both commercial and multi-family residential uses. To maximize economic viability for businesses in the Mixed Use Center, both visitor-serving and neighborhood-serving uses and services are envisioned. A Wetland Interpretive Park, Nature and Art Center, and underpass trail to the west side of Carlsbad Boulevard are envisioned. Parking for the uses may be provided by a four-level parking garage (one below ground, three above ground). The area would be central to residents of the Townhome Neighborhood, Live/Work and Mixed Use developments, and visitors staying at the three hotels and the surrounding offsite residential neighborhoods. The current General Plan land use designation for this area is UA - Unplanned Area.
- **Beachfront Resort** – The Beachfront Resort is envisioned as an upscale resort that would anchor the south end of the Ponto Beachfront Village, while creating an attractive landmark for the southern gateway to Carlsbad. The resort would be a combination of hotel lodging and timeshare, with a full-service restaurant, meeting facilities and publicly accessible retail shops and services. ~~The resort.~~ It is envisioned that ~~would include a wide public~~ a 10-12 foot wide trail ~~on~~ will be provided along the southern ~~the~~ perimeter of the grounds, which will be accessible for public use.
- **Townhouse Neighborhood** – The Townhouse Neighborhood would be a high-density residential neighborhood (19 dwelling units per acre), located along the eastern edge

of the Beachfront Village. The neighborhood would offer residents numerous recreation opportunities and walkable access to a variety of services and amenities.

- Village Hotel - The Village Hotel would be located in the eastern portion of the project site and would provide a combination of lodging and amenities for guests to the Ponto Beachfront Village. This site could also be developed as a courtyard apartment complex.
- Live-Work Neighborhood - Building on the mix of uses originally located in the area, including residential and commercial services, the Live-Work Neighborhood would provide living space, as well as office and workspace for onsite artists, lawyers, architects, and a variety of other craftspersons and professionals. The Live-Work designation would allow for the adaptive reuse of existing buildings and/or the continuation of compatible uses. This site could also be developed with more traditional horizontal and vertical mixed-use developments.
- Garden Hotel - The three-story Garden Hotel would provide both hotel lodging and a small conference facility. Views to the ocean and of onsite, landscaped plazas would be afforded from this location. Parking may be provided in a two-level parking garage.

3.2.1.2 Open Space and Parks

Planned open space and park amenities are also envisioned for the Ponto Area. The following amenities ~~may be included~~ are envisioned by the Vision Plan as in part of future development of the project site:

- A community trail that would protect community views to the lagoon and ocean. The trail ~~would~~ is anticipated to be approximately 10 to 12 feet in width, and serve as a multi-use trail that would connect to the existing regional trail around the lagoon;
- A pedestrian underpass (under Carlsbad Boulevard) to the State Beach entrance;
- A Wetland Interpretive Park and Boardwalk Trail;
- A community facility in the form of a Nature and Arts Center;
- Trails and pathways for pedestrians and bicyclists;
- A park on the west side of Carlsbad Boulevard that would include benches and picnic tables; and,
- An estimated 104 public parking spaces on the west side of Carlsbad Boulevard to facilitate use of the State Beach.

3.2.2 Supporting Public Services and Utilities

The Ponto Area is subject to the City of Carlsbad's Local Facilities Management Plan (LFMP), which addresses future development's demand on public services and facilities. The Ponto Area is located within the City's LFMPs for Zones 9 and 22. The City's Growth Management Plan requires the preparation of an LFMP to provide details of how public facilities (i.e. parks, drainage, wastewater treatment, etc.) needed to accommodate

development within Zones 9 and 22 will be provided, as required in a manner consistent with the City's Growth Management Ordinance. Amendments to the LFMPs for Zones 9 and 22 may be required over time to update the documents to reflect development of the Ponto Area in the future.

Several existing major utility lines running through the project area create limitations for future development unless they are relocated. The utilities follow the alignment of the old U.S. 101 highway off-ramp pattern that previously existed in the Ponto Area. As seen on Figure 3-6, these utilities include a 12-inch high pressure gas fuel line operated by Southern California Gas, three sewer force mains that transport Leucadia Wastewater District flows to the Encinas treatment facility, and an 84-inch storm drain that collects flows from offsite residential areas north of the project area for conveyance to Batiquitos Lagoon.

3.2.2.1 Sewer Force Main

The Leucadia Wastewater District's three sewer force mains that currently run at an angle through the project site and along the internal streets would be relocated to run parallel to the northbound lanes of Carlsbad Boulevard.

Two alternatives exist for sewerage the project area. Alternative 1 (single-gravity system) proposes to direct the entire project area sewage flow to the southeast corner of the Resort Hotel area. A connection would need to be jack and bored under the railroad tracks to tie into an existing 10-inch stub provided by the existing Knots Lane Lift Station. To provide adequate cover for the sewer line, a portion of the low-lying area south of the existing frontage road would need to be raised approximately eight to ten feet. This would require that Ponto Road and Beach Way be constructed an estimated eight to ten feet above the existing onsite elevations.

Alternative 2 (two independent systems) proposes to construct a new lift station to service the area north of Avenida Encinas. To provide adequate cover for the sewer line, a portion of the low-lying area south of the existing frontage road would need to be raised approximately eight to ten feet, requiring that Ponto Road and Beach Way be constructed an estimated eight to ten feet above the existing onsite elevations to achieve gravity sewer flow from north to south. Sewerage would be directed to the new lift station and lifted to a gravity line, which would be jack and bored under the railroad tracks to connect into an existing 15-inch gravity main draining northerly towards Poinsettia Avenue. The area south of Avenida Encinas (Resort Hotel) would drain towards the southeast corner of its site and connect to the existing Knots Lane Lift Station via jack-and-bore under the railroad tracks. Refer to Sections 3.2.3.3 and 5.12.10 for additional discussion.

3.2.2.2 Gas Fuel Line

A 12-inch high-pressure gas fuel line onsite is owned by Kinder-Morgan and maintained by Kinder-Morgan and San Diego Gas and Electric (SDG&E); refer to Figure 3-6. The Ponto Vision Plan proposes two potential relocation routes, both that would move the gas line into street rights-of-way. There are a number of other potential relocation routes, such as along the western edge of the railroad right-of-way or along Carlsbad Boulevard that may be considered, with the preferred alternative ultimately satisfactory to all parties affected.

3.2.2.3 Storm Drain

An 84-inch storm drain that collects offsite flows from residential areas north of the project area for conveyance to Batiquitos Lagoon currently runs at an angle through Ponto, potentially impacting development of the Mixed Use Center. It is proposed that this storm drain be relocated onto internal streets and then run parallel to the northbound lanes of Carlsbad Boulevard. Further technical studies will be needed in the future as individual ownerships within the Ponto Area are developed to identify design and construction issues and potential impacts to the existing infrastructure, due to the re-alignment of the storm drain. As discussed in Section 5.10 of this EIR, existing surface water from the east (across the railroad) within an 84²²-inch diameter pipe is planned to bypass through the site without commingling of flows from treated surface water from the proposed development. Drainage from the site with implementation of the Vision Plan would be retained for treatment onsite or directed via a new storm drainage system within the property to a low spot along Carlsbad Boulevard, or towards Batiquitos Lagoon. As part of the application process, individual property owners would be required to prepare a Storm Water Management Plan (SWMP) to address the treatment of storm water flows from their properties. Refer to Section 5.12.5 for additional discussion.

3.2.2.4 Dry Utilities

Existing overhead facilities (electric, telephone and cable) that currently run along Carlsbad Boulevard, the frontage road, and across the various parcels in the project area would be undergrounded by each developer as individual projects are built. These facilities have already been moved underground on the southern section of Ponto Drive, although their location may need to be re-evaluated, dependent upon engineering design of individual projects along this portion of the roadway.

Electric Distribution System: SDG&E would provide electric service to the project area. A contractor hired by individual developers would provide all trenching, backfill, conduit and substructures necessary for each subarea. This may also include additional facilities deemed necessary by SDG&E for system reliability. SDG&E would install the necessary cable, connectors, and pad-mounted equipment as required.

Natural Gas Distribution System: SDG&E currently maintains a natural gas system on Carlsbad Boulevard, Ponto Road and Avenida Encinas that has adequate capacity to serve the Ponto Vision Plan's intended land uses. Facilities would be installed by each developer's contractors and would require monetary advances to SDG&E for the cost of their facilities.

Telephone and Cable Television Service: AT&T and Time Warner Cable Communications are the telephone, cable and data companies for the project area. AT&T would extend their system and provide a single point of connection to each subarea. Time Warner Communications would extend their system and provide the necessary conduits to residential and commercial customers.

3.2.3 Vehicular Circulation and Roadway Improvements

Ponto Beachfront Village would be served by a number of existing and planned roadways, including: Carlsbad Boulevard, Avenida Encinas, Ponto Drive, and internal public and

private drives. All roadways would be designed as livable streets with traffic calming devices, with elements such as raised crosswalks, corner bulb-outs, medians, and street trees potentially integrated into the design.

3.2.3.1 Carlsbad Boulevard

Carlsbad Boulevard presently supports local and regional traffic and is a north-south alternative to Interstate 5. The Vision Plan considered several alternatives for the re-alignment of the northbound and/or southbound lanes of Carlsbad Boulevard, either to the east or to the west of their current location; refer to Figures 6-1A and 6-1B. The alignments were evaluated within the Vision Plan for potential effects relative to impacts on biological resources, parking, traffic signal operations and bridge requirements; refer to Table 3-3. It was determined that by moving the southbound lanes between existing Ponto Road and Avenida Encinas further to the east, many of the overall goals and objectives of the Vision Plan could be achieved; refer to Section 6.0 for additional discussion.

By moving the roadway alignment eastward, additional land would be provided on the west side of Carlsbad Boulevard on which to locate community amenities and implement aesthetic improvements (pedestrian underpass, beach parking spaces, multi-use trail, and median beautification). Alternative #1 was determined to be the preferred alignment within the Vision Plan, and is considered to be the Environmentally Superior Alternative with respect to the re-alignment alternatives considered for Carlsbad Boulevard due to potential impacts to biological resources; refer to Figure 6-1A. The re-alignment proposed with Alternative #1 would allow for a five to ten-foot linear park pathway or sidewalk along each side of the roadway with parking provided along one side of the road. In addition, a Class II, eight-foot wide bike lane could be constructed on both sides of the roadway, with two 12-foot wide travel lanes in either direction, separated by an 18-foot wide landscaped median. Approximately 68 new parking spaces for beachgoers could also be located along the southbound lanes of Carlsbad Boulevard between Ponto Road and Avenida Encinas with Alternative #1; refer to Figure 3-7.

In addition, the repositioning of the roadway would provide potential opportunities for the State Parks campground to expand onto land vacated by the re-alignment. Additional land would be available for a linear park adjacent to the State Beach for public use.

With the realignment of Carlsbad Boulevard, the Vision Plan envisions a new access point into the Beachfront Village from Carlsbad Boulevard, approximately midway between Ponto Drive and Avenida Encinas. The intersection would be signalized, and a dedicated left-turn lane along Carlsbad Boulevard southbound lanes would be constructed.

Alternative alignments for Carlsbad Boulevard are discussed further in Section 6.0 of this EIR. Graphic depictions of the alternative alignments for Carlsbad Boulevard are found in Figures 6-1A and 6-1B.

3.2.3.2 Ponto Drive

Ponto Drive would be the spine of the circulation system for the Ponto Area development. It is envisioned that the existing roadway be improved and extended north through the Ponto Area as a two-lane roadway with a planted median, bike lane, parkways, and ample

sidewalks. The addition of Beach Way would connect the segments of Ponto Drive and Ponto Road. The improved Ponto Drive would be accessed from Carlsbad Boulevard, Avenida Encinas, and (proposed) Beach Way.

3.2.3.3 Beach Way

The construction of Beach Way is proposed to provide an additional access point to the Ponto Area from Carlsbad Boulevard. The roadway would run east-west between Ponto Road and Ponto Drive and would terminate in a cul-de-sac at the easterly edge of the Ponto Area. It is anticipated that the road would be improved as a two-lane roadway with a planted median, bike lane, parkways, and sidewalks.

Construction of Beach Way would require raising the elevation of the roadbed approximately eight to ten feet above the existing elevation to connect to Carlsbad Boulevard and to meet roadway design standards (gradient, etc.). Construction of this roadway is required to allow for future gravity sewer flow from north to south across the site, as described in Section 3.2.2.1 above. By raising the elevation of the roadbed for Beach Way, access provided by the existing onsite frontage roadway along Carlsbad Boulevard may be temporarily impaired, thereby affecting the adjacent private landowners. Extensive grading may be required, and a retaining wall would likely need to be constructed along portions of Beach Way to enable the elevational change required for construction of the roadway. These issues would be addressed by the City Engineer at the time of design and construction of the roadway to ensure that adequate circulation is provided and that design standards are met.

Potential impacts resulting from these roadway improvements have been considered as part of the EIR impact analysis; however, if Beach Way is not constructed, impacts to traffic resulting from the proposed project would differ from that assumed for the EIR, as traffic distribution patterns generated by the project would be altered. Therefore, construction of this roadway is important for circulation purposes and would be required as part of the future development of the Ponto Area.

3.2.3.4 Avenida Encinas

Avenida Encinas would provide access to the Ponto Beachfront Village via Ponto Drive as well as direct access into the Beachfront Resort. As part of the realignment of Carlsbad Boulevard, a new left turn lane would be added to the northbound lanes at Avenida Encinas, to allow beachgoers access to the southern portion of Carlsbad State Beach.

3.2.3.5 Private and Public Drive Aisles

Internal circulation would be enhanced through a number of small private and public drives in and around proposed developments, including hotels, mixed-use, live-work, and the residential neighborhood. These drive aisles and private drives would accommodate a mix of users, including automobiles, cyclists, and pedestrians.

3.2.3.6 Existing Frontage Road

The existing frontage road currently used by property owners would be vacated over time as development and ownership changes occur. With construction of a new access point to Ponto

Road from Carlsbad Boulevard, the frontage road's existing connection to Ponto Road would end. Interim access for property owners would be assured via a temporary road through one of the frontage road parcels.

3.2.4 Pedestrian and Bicycle Circulation

3.2.4.1 Internal Sidewalks and Paseos

The Ponto Beachfront Village would be designed to create a pedestrian and bicycle-friendly environment, integrating traffic calming measures such as raised crosswalks, pedestrian refuge islands, street trees, mid-block crossings, and corner bulb-outs. A sidewalk system and pedestrian plazas and paseos would support pedestrian travel within the Ponto Beachfront Village. Five-foot wide non-contiguous sidewalks with landscaped parkways are envisioned along Ponto Drive, combined with a variety of pedestrian connections between buildings.

3.2.4.2 Multi-Use Path East of Carlsbad Boulevard

A meandering multi-use path within a 40-foot landscaped setback is envisioned along the east side of Carlsbad Boulevard, providing a connection with the existing path and enhanced buffer to the north. Connections into the Beachfront Village projects would be provided at various points along the path to enhance recreational and pedestrian circulation resources.

3.2.4.3 Multi-Use Path West of Carlsbad Boulevard

Along the west side of Carlsbad Boulevard, a multi-use path running roughly parallel to Carlsbad Boulevard is envisioned. The path would vary from approximately eight feet to twelve feet in width where it is adjacent to the linear park.

3.2.4.4 Boardwalk Trail

A boardwalk trail is envisioned to provide a link between the mixed-use developments on either side of the wetland and to offer nature interpretation and education opportunities for users. The boardwalk trail would also serve as the connection to and from the pedestrian path under Carlsbad Boulevard. Access to the boardwalk would be provided from the surrounding pedestrian plazas and the Ponto Drive sidewalks, as well as directly from the Carlsbad Boulevard underpass.

3.2.4.5 Beachfront Resort Community Trail

A public trail around the perimeter of the Beachfront Resort is envisioned to ensure that proposed development would not preclude community views to the lagoon and ocean. A multi-use trail approximately ten to twelve feet wide is envisioned, with landscaped edges, interpretive signage, and occasional seating areas along the path. The trail would eventually wrap around Avenida Encinas via a parallel route with the railroad.

3.2.4.6 Pedestrian Underpass to State Beach Entrance

A dedicated pedestrian underpass connecting the boardwalk trail and the path on the beach side of Carlsbad Boulevard is also envisioned. The underpass path, which could incorporate a handicapped access ramp, would safely move visitors from Ponto Beachfront Village to the beach area without crossing Carlsbad Boulevard traffic.

Existing utilities both onsite within the Ponto Area and in offsite areas (e.g. Carlsbad Boulevard) may be affected by improvements or re-alignment activities as envisioned in the Vision Plan. As such, additional technical studies will be required at the time individual ownerships within the Ponto Area are developed in the future to identify design and construction issues and potential impacts to the existing infrastructure.

3.2.4.7 Bicycles

It is envisioned that bicycle circulation would occur primarily along dedicated bike lanes on Carlsbad Boulevard and Ponto Drive, as well as on the internal drives and alley within the Beachfront Village. However, recreational cyclists may also use the multi-use paths along either side of Carlsbad Boulevard, as well as the Beachfront Resort Trail. To further encourage bicycles in the Village, ample bicycle parking may be provided in commercial area parking lots and adjacent to pedestrian paths.

3.2.4.8 Connection to Regional Trail System

A link to the regional trail system by means of a pedestrian / bicycle bridge over the railroad tracks is envisioned with the project. The bridge would be located at the southeast corner of the Beachfront Resort Hotel grounds, atop the bluff overlooking Batiquitos Lagoon and would connect the Beachfront Resort's community trail to the regional trail in the Poinsettia Shores residential community, with access to the trail running behind homes along Stern Way and also to the north-south trail along the railroad right-of-way.

The regional Coastal Rail Trail currently runs along the railroad tracks north of Ponto Beachfront Village, but then turns east at the Poinsettia Coaster station and continues south along Avenida Encinas until it reaches Carlsbad Boulevard. The Ponto Beachfront Village's trails system would provide additional routes and linkages for Coastal Rail Trail users.

3.2.5 Conceptual Grading Plan

Grading within the Ponto Area would be site-specific and would occur as individual project applications are submitted over time. All development within the Ponto Beachfront Vision Plan Area would be consistent with the City's Grading Ordinance and standard regulations as applicable.

As stated above, construction of Beach Way would require raising the existing ground elevation by approximately eight to ten feet in height. As Beach Way would run adjacent to four of the land use areas within the Ponto Area, these properties would potentially be affected by construction of the roadway; refer to Figure 3-5. Grading plans for the first individual ownership to develop along Beach Way (thereby requiring construction of the road) would need to consider grading requirements for the roadway and how raising the

existing ground elevation would potentially affect development of and access to the adjacent parcels.

3.2.6 Phasing

As properties within the Ponto Area are all privately owned, development of the area will take place incrementally as individual property owners choose to undertake development or redevelopment activities. As such, a scheduled phasing plan has not been established for the project; however, it is anticipated that development of the site will begin within the next two to five years and will occur into the future.

3.2.7 Technical, Economic, and Environmental Characteristics

3.2.7.1 Technical

Implementation of the Ponto Vision Plan would require construction and grading activities on both the part of the City (e.g., for re-alignment of Carlsbad Boulevard) and on the part of individual landowners (e.g., frontages onto public roadways) within the Ponto Area. Onsite improvements would involve grading of building pads for residential, commercial, resort, and recreational uses on the site. Additional grading and construction would be required for the installation of utilities and for proposed circulation improvements. Resulting grading quantities would be determined at the time project-specific improvement plans or site plans were reviewed and approved by the City Engineer. Phasing of improvements and construction would be necessary, as the development would occur within different onsite areas over time.

3.2.7.2 Economic

The primary financing tool for projects within the South Carlsbad Coastal Redevelopment Area would be private investment. Public facilities and/or improvements would be financed through tax increment financing, or other means of financing, as appropriate.

As envisioned by the Vision Plan, development of the Ponto Area would result in the construction and sale of multi-family residential units and timeshare units. The sale of these units would be affected by the economic conditions and the characteristics of the real estate market over time. Affordable housing would be provided to lower income individuals as required by the City and the Plan for the SCCRA. Similarly, the occupancy rate of or demand for the proposed hotels would be subject to any economic conditions that influenced the travel industry. The availability of public services and facilities for the Ponto Area, as anticipated in the City's Growth Management Plan, would also influence the economic feasibility of the proposed development of the site.

3.2.7.3 Environmental

The majority of the Ponto Area is disturbed habitat and developed land. Topography in the Ponto Area is generally gently sloping, with onsite topography ranging from approximately 30 to 70 feet amsl. The project site is located on a westerly sloping series of well-defined coastal terraces above the Pacific Ocean. A small terrace occurs north of the mouth of the

lagoon on the east side of Carlsbad Boulevard within the study area. A portion of the site is developed with single-family residential uses, intermixed with small-scale commercial and light industrial uses.

3.2.8 Project Goals and Objectives

By undertaking the proposed project, the ~~applicant~~ City of Carlsbad desires to optimize development of the subject property to the highest and best land use, consistent with local and regional land use goals and policies and within the limits of all applicable local, state, and federal government regulations.

The City recognizes the importance of the Ponto Area relative to the City of Carlsbad. Its prime coastal location at the City's south edge, across from the State Park beach campground and near new single-family neighborhoods, offers the opportunity for the Ponto Area to become an integral part of Carlsbad, providing amenities for both tourists and City residents.

The City's goals for the Ponto Beachfront Village Vision Plan are:

- 1) Establish the Southern Coastal Gateway to the City;
- 2) Recognize and provide flexibility for the individual private property owners within the plan area;
- 3) Accommodate a balanced and cohesive mix of local- and tourist-serving commercial, medium- and high-density residential, mixed use, live/work, and open space land use opportunities that are economically viable and support the implementation of these goals;
- 4) Provide site design guidelines that require street scenes and site plans to respect pedestrian scale and express a cohesive and high-quality architectural theme;
- 5) Establish a pattern of pedestrian and bicycle accessibility that links the planning areas internally as well as with adjacent existing and planned pedestrian and bicycle facilities;
- 6) Provide expanded and enhanced beach access;
- 7) Establish a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses;
- 8) Require landscape architecture that celebrates the historic past and horticultural heritage of the City;
- 9) Assure that public facilities and services meet the requirements of the Growth Management Plan; and,
- 10) Conform with the City of Carlsbad General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable Master Plans and Specific Plans, resource management plans, and applicable ordinances, regulations and policies.

In addition, the following goals were established within the *South Carlsbad Coastal Redevelopment Area Redevelopment Plan* (July 2000) and are applicable to the Ponto Vision Plan Area:

- 1) Eliminate blight and environmental deficiencies in the Project Area;

- 2) Assemble land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;
- 3) Replan, redesign, and develop properties that are stagnant or improperly utilized;
- 4) Increase, improve, and preserve the City's supply of housing affordable to very low, low- and moderate-income households;
- 5) Develop new beach and coastal recreational opportunities;
- 6) Facilitate the redevelopment of the Encina Power Generating Facility to a physically smaller, more efficient power generating plant;
- 7) Provide a funding source for the potential realignment of Carlsbad Boulevard that will yield excess property that could facilitate expansion of the Carlsbad State Beach campgrounds and other recreational facilities, and/or development of cultural facilities or other public facilities;
- 8) Retain as many existing businesses as possible by means of redevelopment and rehabilitation services;
- 9) Enhance commercial and recreational functions in the Project Area;
- 10) Strengthen the economic base of the Project Area and the City by the installation of needed on- and offsite improvements to stimulate new commercial/residential expansion, employment and economic growth;
- 11) Increase parking and open space amenities; and,
- 12) Implement performance criteria to assure quality site design and environmental standards to provide unity and integrity to the entire Project Area development.

3.2.9 Discretionary Actions and Approvals by the City of Carlsbad and Other Agencies

Consistent with Sections 15050 and 15367 of the State CEQA Guidelines, the City of Carlsbad will act as the "lead agency." The lead agency is identified as "the public agency which has the principal responsibility for carrying out or approving a project."

The Ponto Beachfront Village project would be implemented at a plan-wide and individual project level. To implement the Vision Plan, the Plan would require such actions as approval by the City and amendments to the General Plan (GPA 05-04), to incorporate the Ponto Beachfront Village Vision Plan into the City of Carlsbad General Plan, and Local Coastal Program LCPA (05-01), to incorporate the plan into the Mello II and West Batiquitos Lagoon/Sammis segment of the Carlsbad Local Coastal Program for this area, as well as to the LFMPs for Zones 9 and 22, as appropriate. The project includes a Planning Commission Discussion Item (DI-05-01) to gain Planning Commission input, review, and comment on the Vision Plan. Implementation at the private landowner level would involve approval of the required, applicable permits, as well as such permits as a Section 401 Water Quality Certification, Section 404 Clean Water Act Permit, or Section 1602 Streambed Alteration Agreement, as applicable.

Table 3-4 lists the agencies from which approvals and permits are required. The permits and approvals have been listed in the approximate order in which they are expected to be obtained.

3.2.10 Discretionary Actions and Approvals by Other Agencies

Additional approvals may be required by a Responsible Agency or a Trustee Agency to allow for actions involved with development of the project site. A Responsible Agency includes “all public agencies other than the lead agency which have discretionary approval power over a project (Section 15382), such as the California Coastal Commission or U.S. Army Corps of Engineers.” Similarly, Trustee Agencies may also give approval and include state agencies “having jurisdiction by law over natural resources affected by a project which are held in trust for people of the State of California” (Section 15386), such as the California Department of Fish and Game. Other agencies may include, but are not limited to the following (refer also to Table 3-4):

- U.S. Army Corps of Engineers;
- California Dept. of Fish & Game;
- United States Fish & Wildlife Service; and,
- San Diego Regional Water Quality Control Board (RWQCB).

3.3 Consistency of Project With Applicable Regional and General Plans

The proposed project would be consistent with goals, policies, and guidelines set forth in the City of Carlsbad *General Plan*, the *Local Coastal Program*, *South Carlsbad Coastal Redevelopment Plan*, the City of Carlsbad Zoning Ordinance, City of Carlsbad *Growth Management Plan*, Local Facilities Management Plans (Zones 9 and 22), City of Carlsbad Scenic Corridor Policies, and *Habitat Management Plan*. In addition, portions of the project are subject to the goals and policies given in the *Poinsettia Properties Specific Plan* (SP 210) and the *Poinsettia Shores Master Plan* (MP 175(c)). Project development and proposed mitigation would also be consistent with the San Diego Air Pollution Control District rules and regulations and the Air Quality Management Plan; the City General Plan Circulation Element; Regional Water Quality Control Board Basin Plans; and all other plans, regulations, or policies, as applicable.

3.4 Existing Development Applications within the Ponto Development Area

As mentioned previously, one development application and three preliminary review applications had been submitted to the City at the time the City was directed to prepare an EIR for the Ponto Beachfront Village project. The descriptions below represent the projects project details at the time when the EIR was required and development within the Ponto Area was placed on hold. As such, the scale, density, or land use types may ultimately be revised in the future; however, these projects will be required to maintain consistency with the overall vision, goals and guidelines given in the Ponto Beachfront Village Vision Plan, once it is adopted. These projects are fully analyzed within the EIR with respect to the project

details described below. The descriptions below represent the four identified projects available at the time the City was directed to prepare the EIR.

3.4.1 Hilton Carlsbad Beach Resort

Submitted Application: SDP 05-14/CDP 05-43/RP 05-11

The site is generally located on the east side of Carlsbad Boulevard, south of ~~Poinsettia Lane~~, Ponto Road, and covers approximately 7.0 acres of land. The site is designated as “Garden Hotel,” as shown in Figure 3-5. It should be noted that the area shown as Garden Hotel in Figure 3-5 of the EIR differs slightly from that shown in the Vision Plan. The Vision Plan was prepared as a document to guide future development within the Ponto Area; however, the Plan did not consider site-specific development. To allow for a more accurate environmental analysis of future development within the Ponto Area, the EIR considers the actual boundaries of property ownership and the area to which the Hilton Carlsbad Beach Resort application applies. Therefore, to accurately consider the land area that would be affected by development of the Garden Hotel use, the boundary of this area has been revised, and is shown in Figure 3-5.

Access to the project site would be provided via Ponto Road. The proposed project would include 215 hotel rooms; 12,820 square feet (SF) of meeting space; a 5,030 SF restaurant; a 1,990 SF café/bar; and spa. In addition, a parking structure, three stories above grade is proposed. All structures are prwould be exposedsubject to the height restrictions of the applicable zone designation and the -within the height limit for the Coastal Zone., which is 35 feet. In addition, a three-story parking garage is also proposed. Publicly accessible amenities would include oceanfront meeting rooms for functions and weddings, a public spa, and a pedestrian trail along Carlsbad Boulevard. The project would total approximately 24,000 square feet. In addition, a parking structure, three stories above grade is proposed. All structures are proposed within the height limit for the Coastal Zone, which is 35 feet.

The existing General Plan Land Use Designation for ~~the the majority of the~~ Hilton Carlsbad Beach Resort is Residential Medium High/Travel-Recreation (RMH/TR) with approximately 1.5 acres designated TR at the northernmost end of the site. The existing zoning designation for the majority site is Commercial Tourist – Qualified Development Overlay/Residential Density – Multiple zone with Qualified Development Overlay (CT-Q/RD-M-Q), with the northernmost 1.5-acre parcel designated CT-Q. The northernmost approximately 1.2-acre parcel of the property is within tThe Poinsettia Properties Specific Plan covers the 1.5-acre parcel at the northern end of the area designated as Garden Hotel in the Vision Plan. The Specific Plan zoning for that this particular parcel is CT, and the General Plan designation is TR. The project is consistent with the existing General Plan Land Use and zoning, and therefore, only requires implementing permits.

The project consists of one main, 215-room hotel building and a parking structure on the eastern end of the property. The main hotel is proposed as a one-story building at the northern end, adjacent to the single-family homes, and three stories further south.

3.4.2 Dale Schreiber Ponto Resort

Preliminary Review: PRE 05-58

This site is generally located on the northeast corner of future Beach Way and Ponto Drive and the southwest corner of future Beach Way and Ponto Drive. The total land area for both properties is approximately 4.7 acres. This application would cover a portion of the area designated in the Vision Plan as “Mixed Use” and a portion designated as “Hotel or Residential (apartments)”; refer to Figure 3-5.

Access is proposed from future Beach Way for the northeastern property and from Ponto Drive for the southwestern property. The project would include approximately 269 hotel units, 216 of which are proposed on the northeastern property and 53 are proposed on the southwestern property.

The proposed project consists of two structures that will house hotel rooms, underground parking, lounge, restaurant, and retail spaces. ~~Structures are proposed as three-story within the maximum height limit of 35 feet above grade.~~ All structures would be subject to height restrictions of the applicable zone designation and the Coastal Zone.

In addition to various discretionary actions, a portion of the project site as proposed would require a rezone from RMH to T-R and a related Local Coastal Program Amendment for said rezone.

3.4.3 Carlsbad Coast Mixed-Use Residential

Preliminary Review: PRE 05-67

The site is generally located on the east side of Carlsbad Boulevard, north of Avenida Encinas and covers approximately 9.5 acres of land. Access to the project is provided via Ponto Drive. This application would cover a portion of the area designated in the Vision Plan as “Mixed Use” and a portion designated as “Townhomes;” refer to Figure 3-5.

The proposed project would include 128 attached condominium units, 32,500 square feet of restaurant/retail space, 24 residential stacked flats, nine live/work units, and a four-level parking structure. ~~-All structures would be subject to height restrictions of the applicable zone designation and the Coastal Zone. Structures are proposed within the height limit of 35 feet.~~

The existing General Plan Land Use Designation for the Carlsbad Coast Mixed-Use Residential project is Unplanned Area-Travel/Recreation Commercial (UA/TR/C). The zone designation for the site is Planned Community (PC). The property is within the Poinsettia Shores Master Plan area.

In addition to the various discretionary actions, the project as proposed would require a General Plan Amendment, amendment to the Master Plan to identify proposed uses, and a Local Coastal Program Amendment.

3.4.4 Carlsbad Coast Hotel and Timeshare

Preliminary Review: PRE 05-75

This site is generally located east of Carlsbad Boulevard and south of Avenida Encinas, on approximately 14 acres. Access to the site would be from Avenida Encinas. This area is located in the Poinsettia Shores Master Plan Area which establishes development limits and design criteria for this area. This application would cover the area designated as “Resort Hotel” in the Vision Plan; refer to Figure 3-5.

The proposed project includes approximately 180 hotel units, 126 timeshare units, 3,700 square feet of retail/restaurant space, 5,000 square feet of banquet space, and a two-level parking structure. ~~All of the hotel and timeshare units are proposed within a series of five three-story structures within the maximum height limit of 35 feet.~~ All structures would be subject to height restrictions of the applicable zone designation and the Coastal Zone.

The existing General Plan is Travel/Recreation Commercial/Open Space and Community Parks (TR/C/OS) and zoning is PC. The ~~proposed~~ project is consistent with the existing General Plan Land Use and zoning and would therefore only require implementing permits.

**Table 3-1
Existing and Proposed General Plan Designations**

General Plan/Local Coastal Program Land Use Amendments	
Existing	Proposed
RMH (Residential Medium High – 8 to 15 dwelling units per acre)	<i>Special Planning Considerations Area</i>
RMH/TR (Residential Medium High and/or Travel/Recreation Commercial)	<i>Special Planning Considerations Area</i>
UA (Unplanned Area)	<i>Special Planning Considerations Area</i>
OS (Open Space and Community Parks)	<i>Special Planning Considerations Area</i>
TR/C (Travel/Recreation Commercial/Community Commercial)	<i>Special Planning Considerations Area</i>
TR (Travel/Recreation Commercial)	<i>Special Planning Considerations Area</i>

**Table 3-2
Proposed Land Uses**

Character Area	Property APNs	Existing General Plan Land Use	Proposed General Plan Land Use	Existing Zoning	Proposed Zoning	Developer Actions to Implement the Vision Plan
Garden Hotel	241 214-590-04; 241-160-10, -11, -13, -19, -20, -21, -24, and -29; 214-160-24	<u>RMH/T-R Residential Medium High/Travel Recreation Commercial</u> T-R Travel Recreation Commercial	<i>Special Planning Considerations Area</i>	CT Commercial Tourist (214-590-04) C-T-Q/RD-M-Q (214-160-19; 214-160-24)	No Change Proposed.	<ul style="list-style-type: none"> • Redevelopment Permit • Coastal Development Permit • Environmental Review • Improvements Agreement with City
Village Hotel	214-171-11; 214-160-25	RMH Residential Medium High (214-171-11) RMH/T-R Residential Medium High/Travel Recreation Commercial (214-160-25)	<i>Special Planning Considerations Area</i>	RDM-Q Residential Density-Multiple – Qualified Development Overlay (214-171-11) CT-Q/RDM-Q Commercial Tourist – Qualified Development Overlay/ Residential Density-Multiple – Qualified Development Overlay (214-160-25)	No Change Proposed.	<ul style="list-style-type: none"> • Redevelopment Permit • Coastal Development Permit • Environmental Review • Improvements Agreement with City

Table 3-2 continued

Character Area	Property APNs	Existing General Plan Land Use	Proposed General Plan Land Use	Existing Zoning	Proposed Zoning	Developer Actions to Implement the Vision Plan
Live-Work Neighborhood	214-160-04, -05, -06, -10, -11, -13, -20, -21, -25, -27, -28, -29, -34, -35, -36,	RMH/T-R Residential Medium High/Travel Recreation Commercial	<i>Special Planning Considerations Area</i>	CT-Q/RDM-Q Commercial Tourist – Qualified Development Overlay/ Residential Density-Multiple – Qualified Development Overlay	No Change Proposed.	Note: Permits required may vary, depending on size of development, i.e., whether it is a small lot owner adding a commercial use to the existing residential use or whether it is a project entailing lot consolidations and larger-scale new construction. <ul style="list-style-type: none"> • Redevelopment Permit • Coastal Development Permit • Environmental Review • Improvements Agreement with City
Townhouse Neighborhood	216-140-17	UA Unplanned Area	<i>Special Planning Considerations Area</i>	PC Planned Community	No Change Proposed.	<ul style="list-style-type: none"> • Amendment to Poinsettia Shores Master Plan • Coastal Development Permit • Subdivision Map(s) • Improvements Agreement with City • Environmental Review

Table 3-2 continued

Character Area	Property APNs	Existing General Plan Land Use	Proposed General Plan Land Use	Existing Zoning	Proposed Zoning	Developer Actions to Implement the Vision Plan
Mixed-Use Center	216-010-01, -02, -03, -04, -05; 216-140-18 (portion); vacated Carlsbad Boulevard (portion)	RMH Residential Medium High (216-010-01, -02, -03, -04, -05) UA Unplanned Area (216-140-18, portion)	<i>Special Planning Considerations Area</i>	RDM-Q Residential Density-Multiple – Qualified Development Overlay (216-010-01, -02, -03, -04, -05) PC Planned Community (216-140-18, portion)	No Change Proposed.	<ul style="list-style-type: none"> • Redevelopment Permit • Coastal Development Permit • Environmental Review • Improvements Agreement with City • Resource agency permits
Beachfront Resort	216-140-18	T-R/C Travel Recreation Commercial / Community Commercial	<i>Special Planning Considerations Area</i>	PC Planned Community	No Change Proposed.	<ul style="list-style-type: none"> • Coastal Development Permit • Improvements Agreement with City • Environmental Review

Table 3-3
Comparison of Carlsbad Boulevard Re-Alignment Alternatives

FACTOR	ALTERNATIVE 1	ALTERNATIVE 2	ALTERNATIVE 3	ALTERNATIVE 4
Additional Vacated Acreage Available for Other Uses	Creates 0.8 acres on west side of Carlsbad Boulevard, available for use as a public linear park.	Creates 2.0 acres on west side of Carlsbad Boulevard north of Avenida Encinas and 1.8 acres on west side of Carlsbad Boulevard south of Avenida Encinas, available for use as a public linear park or potential expanded use for the South Carlsbad State Beach Campground.	Creates 0.8 acres on west side of Carlsbad Boulevard, available to be used as a public linear park. Creates 1.2 acres on east side of Carlsbad Boulevard, north of Avenida Encinas and 2.2 acres on east side of Carlsbad Boulevard, south of Avenida Encinas, available for additional development or community amenities.	Creates 0.5 acres on west side of Carlsbad Boulevard, available for use as a public linear park. South of Beach Way: Creates 0.8 acres on west side of Carlsbad Boulevard, available for use as a public linear park.
Effect on Vegetative Communities	Approximately 3.0 acres of Disturbed Diegan coastal sage scrub to be affected in median between Ponto Drive and Avenida Encinas. Retains cypress trees in median south of Avenida Encinas.	Approximately 3.7 acres of Disturbed Diegan coastal sage scrub to be affected in median between Ponto Drive and Avenida Encinas. Potential disturbance to approximately 0.6 acres of Southern Coastal Salt Marsh in median immediately north of the Los Batiquitos Lagoon bridges. Removal of cypress trees in median south of Avenida Encinas.	Approximately 3.7 acres of Disturbed Diegan coastal sage scrub to be affected in median between Ponto Drive and Avenida Encinas. Potential disturbance to approximately 0.6 acres of Southern Coastal Salt Marsh in median immediately north of the Los Batiquitos Lagoon bridges. Removal of cypress trees in median south of Avenida Encinas.	Approximately 3.7 <u>3.0</u> acres of Disturbed Diegan coastal sage scrub to be affected in median between Ponto Drive and Avenida Encinas. Retains cypress trees in median south of Avenida Encinas.

Table 3-3 continued

FACTOR	ALTERNATIVE 1	ALTERNATIVE 2	ALTERNATIVE 3	ALTERNATIVE 4
Parking	Provides 61 parking spaces (60 degree diagonal) and 48 parallel parking spaces.	Provides 61 parking spaces (60 degree diagonal) and 48 parallel parking spaces.	Provides 61 parking spaces (60 degree diagonal) and 48 parallel parking spaces.	Provides 61 parking spaces (60 degree diagonal) and 48 parallel parking spaces.
Traffic Signal Operations	More complex signal operation at Avenida Encinas due to width of median (longer time to make turning movements) but similar to existing condition.	Less complex signal operation at Avenida Encinas, due to standardized intersection (i.e., no wide median).	Less complex signal operation at Avenida Encinas, due to standardized intersection (i.e., no wide median).	<u>More complex signal operation at Avenida Encinas due to width of median (longer time to make turning movements) but similar to existing condition.</u> Less complex signal operation at Avenida Encinas, due to standardized intersection (i.e., no wide median).
Vehicular Bridges	Retains existing northbound bridge; requires new southbound bridge to implement the grade-separated pedestrian underpass to the west.	Retains existing northbound bridge; requires new southbound bridge to accommodate lanes re-location and to implement the grade-separated pedestrian underpass to the west.	Requires two new bridges – one northbound and one southbound.	Retains existing northbound bridge; requires new southbound bridge to accommodate lanes re-location and to implement the grade-separated pedestrian underpass to the west.

Table 3-4
Matrix of Required Project Approvals and Permits

Project Approval or Permit	Approving Agency	Agency Designation (Lead or Responsible)
General Plan Amendment	City of Carlsbad	Lead Agency
Local Coastal Plan Amendment	City of Carlsbad	Lead Agency
Redevelopment Permit	City of Carlsbad – Dept. of Housing and Redevelopment	Lead Agency
Local Facilities Management Plan – Zones 9 and 22	City of Carlsbad	Lead Agency
Coastal Development Permit	California Coastal Commission	Responsible Agency
401 Permit – Water Quality Certification	California Regional Water Quality Control Board	Responsible Agency
404 Permit – Dredge and Fill	U.S. Army Corp of Engineers	Responsible Agency
1602 – Streambed Alteration Permit	CA Dept. of Fish and Game	Trustee Agency

**Figure 3-1
Regional Location of the Project**

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**Figure 3-2
Project Vicinity**

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**Figure 3-3
South Carlsbad Coastal Redevelopment Area**

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Figure 3-4
Aerial Photograph with Topography

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**Figure 3-5
Ponto Beachfront Village – Land Use Themes**

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**Figure 3-6
Existing Major Utility Lines**

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Figure 3-7
Proposed Carlsbad Boulevard Improvements

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4.0 ENVIRONMENTAL SETTING

4.1 Existing Conditions

4.1.1 Regional Setting

The Ponto Area is located within the City of Carlsbad, California in northwestern San Diego County, just west of Interstate 5 (I-5), approximately 35 miles from downtown San Diego. The City is bordered by the Pacific Ocean to the west; the City of Oceanside to the north and northeast; the Cities of Vista, San Marcos, and an unincorporated portion of San Diego County to the east and southeast; and, the City of Encinitas to the south. Regional access to the site is generally provided by I-5, which runs north-south and serves as a major transportation route from southern San Diego County to points northward such as Orange County and Los Angeles. Highway 78 (SR-78) runs east-west near the northern boundary of Carlsbad and provides access to the communities of Vista and San Marcos, Interstate 15 (I-15), and other communities within eastern San Diego County.

This region experiences generally mild seasons with a temperate climate typical of a coastal community. Temperatures average 58 degrees in January and 73 degrees in July with an average rainfall of approximately 10 inches.

This region is generally characterized by residential and commercial development, with some recreational uses and small-scale agricultural operations interspersed. Points of interests within the City include South Carlsbad State Beach, just to the west of the Ponto Area, the Carlsbad Flower Fields, and Legoland.

4.1.2 Local Setting

The approximately 130.4-acre Ponto Beachfront Village Vision Plan Area is located within the City of Carlsbad, just east of the Pacific Ocean and Carlsbad Boulevard, and west of the railroad line for the San Diego Northern Railroad. Poinsettia Lane forms the northern boundary of the study area, with La Costa Avenue forming the southern boundary. The study area is located in Sections 29, 32, and 33 of Township 12 South, Range 4 West on the San Bernardino Base and Meridian U.S. Geological Survey 7.5-minute Encinitas quadrangle map. The smaller 50-acre area proposed for development is generally bounded by the Pacific Ocean to the west, Ponto Road to the north, the San Diego Northern Railroad line to the east, and Batiquitos Lagoon to the south.

Land uses to the north of the site consist of the Hanover Beach Colony residential neighborhood. Northeast of the site is Lakeshore Gardens, a mobile home park. The Poinsettia Shores residential area is located to the east of the site, with shopping and other services located along Avenida Encinas, to the east of the residential uses. Directly west of the Ponto Area on the oceanfront bluffs, adjacent to Carlsbad Boulevard, are the campsites of California's South Carlsbad State Beach, with the beach and Pacific Ocean below. The inflow/outflow channel for Batiquitos Lagoon is located along the southern portion of the Ponto Area.

Currently, access to the Ponto Area is provided by Carlsbad Boulevard, which runs north-south along the western portion of the project site. With implementation of the Vision Plan, three primary access points would lead into the Ponto Area from Carlsbad Boulevard: Ponto

Drive at the northern end of the site; Beach Way in the central portion; and Avenida Encinas at the southern end. Additionally, the existing Ponto Drive would facilitate internal circulation.

The 50-acre Ponto Area intended for future development consists mainly of “Developed” or “Disturbed” land. Several areas onsite have been previously graded. Approximately 24 structures exist in the Ponto Area and include approximately eleven onsite addresses. Structures range from one- to two-story structures in varying degrees of condition. Existing onsite uses include multiple light industrial uses (including a wood and sheet metal shop, an auto service/storage yard, wood chipping, a salvage yard, heating and air conditioning manufacturer), commercial uses (dog and cat kennel, storage facility, and an upholstery and antique store), residential uses, and vacant land. Historical uses within the subject site include, but are not limited to, metal shops, paint shops, antique repair, and mirror reconditioning facilities, dipping and stripping operations of materials, auto repair, metal fabrications, agricultural and residential uses.

A 572-foot long drainage averaging three feet wide originates east of Carlsbad Boulevard at Ponto Drive. The drainage runs to the south, through an undeveloped portion of the site, and connects to a drain that ultimately drains to the Pacific Ocean.

Topography in the Ponto Area is generally gently sloping, although there are several areas with greater elevational change. To the south of Avenida Encinas is a bluff that provides views of Batiquitos Lagoon and the Pacific Ocean. A high point occurs where Ponto Drive intersects Avenida Encinas. Lower elevations occur along Ponto Drive where the former off-ramps and underpass for Old Highway 101 were located. Elevations within the study area range from 0 to approximately 60 feet amsl; onsite topography ranges from approximately 30 to 70 feet amsl. In the northern portion of the site, drainage is generally to the south/southwest, towards the existing drainage; areas south of the drainage generally drain to the northeast towards the existing drainage. The southern portion of the site generally drains to the southwest, and ultimately to the Batiquitos Lagoon.

The Ponto Area is located on a westerly sloping series of well-defined coastal terraces above the Pacific Ocean. A small terrace occurs north of the mouth of the lagoon on the east side of Carlsbad Boulevard within the study area. Soils onsite are generally Quaternary Terrace Deposits that generally consist of moderately consolidated, poorly indurated clean sands, silty sands and clayey sands. Four soil types occur within the study area: Coastal beaches (Cr); Marina loamy coarse sand (MIC), 2 to 9 percent slopes; Marina loamy coarse sand (MIE), 9 to 30 percent slopes; and, Terrace escarpments. Portions of the Ponto Area also support Land Derived Fill and Hydraulic Fill resulting from engineered fills associated with former railroad and area roadway improvements, as well as dredging operations within the Batiquitos Lagoon.

Fourteen vegetative communities as well as disturbed habitat and developed land were identified within the study area and include: 0.98 acre of southern coastal salt marsh, 0.17 acre of riparian woodland, 0.91 acre of southern willow scrub, 0.19 acre of mule fat scrub, 2.21 acres of coastal and valley freshwater marsh, 1.30 acres of marine, 0.03 acre of mud flat, 0.11 acre of disturbed wetlands, 4.3 acres of southern coastal bluff scrub (including disturbed), 25.4 acres of beach/coastal dunes, 5.2 acres of Diegan coastal sage scrub (including disturbed), 0.2 acre of non-native grassland, 0.3 acre of eucalyptus woodland, 24.6

acres of disturbed habitat, 21.0 acres of non-native vegetation, and 43.4 acres of developed land.

4.1.3 Regulatory Status

Currently, the following General Plan designations apply to the Ponto Area: UA – Unplanned Area; TR/C – Travel/Recreation Commercial; RMH – Residential Medium High (8–15 dwelling units/acre); RMH/TR – a dual designation indicating that with further planning, one or both uses may be appropriate; and, OS – Open Space and Community Parks. The project would require a General Plan Amendment to designate the Ponto Area as an area of “Special Planning Consideration” that would require the Ponto Area to be developed under the guidance of the Ponto Beachfront Village Vision Plan; refer to Table 3-1. Future development proposals within the Ponto Area may be required to propose General Plan and Local Coastal Program land use reclassifications and Local Coastal Program zone changes that will be evaluated as part of the discretionary approval process. Amendments to the LMFPs for Zones 9 and 22 may also be required to update the documents as development of individual properties within the Ponto Area occurs over time. The Ponto Beachfront Village Vision Plan provides a guide for development of the area to ensure that future land uses are compatible and consistent with the intended vision for the site.

At present, there are three City zoning designations for the various parcels in the Ponto Area. These designations include: PC – Planned Community; CT-Q – Commercial Tourist zone with Qualified Development Overlay; RD-M-Q – Residential Density – Multiple zone with Qualified Development Overlay; and, CT-Q/RD-M-Q – a dual designation indicating that with further planning, one or both uses may be appropriate. No changes to the existing zoning are proposed with the project.

The Ponto Area is also affected by other plans and policies as described below. Project implementation will require action on both a plan-wide basis and on individual parcels planned for specific projects.

4.1.3.1 South Carlsbad Coastal Redevelopment Area (SCCRA)

As mentioned, a portion of the Ponto Area is located within the South Carlsbad Coastal Redevelopment Area. This portion of the site is therefore subject to the Redevelopment Permit process, which is administered by the City of Carlsbad’s Housing and Redevelopment Department; refer to Figure 3-3.

4.1.3.2 Local Coastal Program (LCP)

The Ponto Area falls within the state Coastal Zone. The City of Carlsbad’s Local Coastal Program (1996) is comprised of five segments, which provide policies and development guidelines for compliance with the State Coastal Act. The Ponto Area includes acreage located within the Mello II Segment Land Use Plan. Local Coastal Program Segments are required to maintain consistency with the City of Carlsbad’s General Plan. Implementation of the Vision Plan would require approval of an amendment to the LCP by the California Coastal Commission to ensure the LCP is consistent with the City’s General Plan and the Coastal Act.

4.1.3.3 Existing Specific Plans / Master Plans

Poinsettia Properties Specific Plan (SP 210)

The Poinsettia Properties Specific Plan directs development of a 92-acre transit-oriented residential community located primarily north of the Ponto Area; however, a 1.5-acre portion of the Ponto Area is included, referred to as Planning Area 1 in the Specific Plan. It is located in the northwest corner of the Ponto Area, adjacent to Carlsbad Boulevard and Ponto Road. Per the Specific Plan, the land use for this 1.5-acre area is intended for commercial uses that serve the traveling public and beach visitors.

Poinsettia Shores Master Plan (MP 175(c))

The Poinsettia Shores Master Plan Area (PSMP), amended May 12, 1994, includes approximately 162.8 acres, of which approximately 23.5 acres are located within the Ponto Beachfront Village Vision Plan. The Poinsettia Shores Master Plan Area is broken down into 17 Planning Areas, three of which are located within the Ponto Area boundaries -- Areas F, G, and H. These areas feature travel service/commercial use, open space, and a non-residential reserve. The Poinsettia Shores Master Plan establishes the development limits and design criteria for these Planning Areas.

Local Facilities Management Plans (LFMP)

Local Facilities Management Plans address a development's demand on public services and facilities. The Ponto Area is located within the LFMPs for Zones 9 and 22. The proposed General Plan and Local Coastal Program amendments required for the project would not create any potential conflicts with the goals of these plans. Future development proposals would be required to demonstrate that proposed facilities are consistent with the LFMP or propose amendments to the appropriate LFMP to reflect resulting conditions.

Habitat Management Plan (HMP)

The Ponto Area lies within the North County Multiple Habitat Conservation Program (MHCP) Subregional Plan area. The MHCP Subregional Plan was adopted and certified by the San Diego Association of Governments Board of Directors on March 28, 2003. Each of the seven jurisdictions within the MHCP area (including the City of Carlsbad) is required to implement their respective portion of the MHCP via citywide subarea plans. On November 15, 2004, the City of Carlsbad's Habitat Management Plan for Natural Communities in the City of Carlsbad (City HMP; 2004a) was approved, and state and federal permits were issued. A portion of the project site is located within Focused Planning Area (FPA) Core 8, which includes Batiquitos Lagoon. Batiquitos Lagoon is included in an existing Hardline Conservation Area.

The HMP includes goals and standards to guide conservation efforts in the development process within the City. These goals and policies are assigned within the individual LFMP zones; however, no conservation goals or standards are given for LFMP Zones 9 or 22, which are applicable to the project site. However, the City's HMP establishes zone-level recommendations for biological resource protection for each of the LFMP zones, such as the use of fencing or signage to minimize human disturbance to sensitive species. Proposed development within the Ponto Area would be designed to be consistent with the requirements of the City's HMP and Chapter 21.203.040(B)(3), Coastal Resources Protection Overlay

Zone, of the Carlsbad Municipal Code as applicable. Refer to Section 5.2 of this EIR for additional information regarding the HMP.

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5.0 ENVIRONMENTAL IMPACT ANALYSIS AND MITIGATION MEASURES

This section of the EIR identifies the environmental issue areas that have been determined to result in a potentially significant environmental impact. Each significant impact is discussed and analyzed in the sections that follow per the following format:

Existing Conditions: Discussion of the existing conditions, services, and physical environment of the project area.

Thresholds for Determining Significance: The amount of type of impact that constitutes a substantial or potentially substantial adverse change in the environment. Based on this criteria, project impacts can be classified as: significant and unavoidable; significant; significant, but can be mitigated; or less than significant.

Environmental Impacts: A discussion of impacts of the proposed project in qualitative and/or quantitative terms, based on the uses of land identified in the project description.

Mitigation Measures: A discussion of the measures required by the City of Carlsbad to avoid, mitigate, or substantially lessen adverse impacts for each environmental issue area.

Impact After Mitigation: A discussion of the level of impact of the proposed project with implementation of required mitigation measures.

Potentially significant environmental impacts analyzed in Section 5.0 are as follows:

- 5.1 Air Quality**
- 5.2 Biological Resources**
- 5.3 Cultural Resources**
- 5.4 Hazards and Hazardous Materials**
- 5.5 Noise**
- 5.6 Traffic and Circulation**
- 5.7 Visual Aesthetics and Grading**
- 5.8 Agricultural Resources**
- 5.9 Geology and Soils**
- 5.10 Hydrology and Water Quality**
- 5.11 Land Use and Planning**
- 5.12 Public Utilities and Service Systems**

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5.1 AIR QUALITY

This section focuses on potential short-term air quality impacts associated with project construction activities and studies long-term local and regional air quality impacts associated with the project operation. Mitigation is recommended to avoid or lessen the significance of impacts.

Information in this section is based primarily on the Air Quality Data (California Air Resources Board [CARB] 2001 through 2005), the San Diego Air Pollution Control District (SDAPCD) *Regional Air Quality Strategy* (RAQS) (dated July 2004), and the Traffic Impact Analysis for the Ponto Beachfront Village Vision Plan (October 2006), prepared by RBF Consulting; refer to Appendix B for the assumptions used in this analysis.

5.1.1 Existing Conditions

The extent and severity of the air pollution problem in the San Diego Air Basin (Basin) is a function of the area's natural physical characteristics (weather and topography), as well as man-made influences (land development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall, and topography all affect the accumulation and/or dispersion of air pollutants throughout the Basin.

5.1.1.1 Climate

Basin Characteristics

The Basin is contiguous with San Diego County. One of the main determinants of Basin climatology is the Pacific High, a semi-permanent high-pressure center over the Pacific Ocean. In the summer, this pressure center is located well to the north, causing storm tracks to be directed north of California. This high-pressure cell maintains clear skies for much of the year. However, when the Pacific High moves southward during the winter, this pattern changes, and low-pressure storms are brought into the region, causing widespread precipitation.

Basin Climate

The climate of the Basin is characterized by warm, dry summers and mild, wet winters. The climate of Carlsbad, as with all of Southern California, is largely controlled by the strength and position of the Pacific High. This high-pressure ridge over the West Coast creates a repetitive pattern of frequent early morning cloudiness, hazy afternoon shine, clean daytime onshore breezes and little temperature change throughout the year. Limited rainfall occurs in winter when the oceanic high-pressure center is weakest and farthest south as the fringes of mid-latitude storms occasionally move through the area. The average temperatures in January range from 47 degrees Fahrenheit (°F) at night to 63 °F during the day. The warmest month is August, when the high temperatures average 74 °F. The annual rainfall is approximately 10 inches.

Generation of Air Pollutants

The same atmospheric conditions that create a desirable living climate combine to limit the ability of the atmosphere to disperse the air pollution generated by the large population attracted to the pleasant climate. The onshore winds across the coastline diminish quickly

when they reach the foothill communities east of San Diego, and the sinking air within the offshore high-pressure system forms a massive temperature inversion that traps all the air pollutants near the ground. The resulting horizontal and vertical stagnation, in conjunction with ample sunshine, causes a number of reactive pollutants to undergo photochemical reactions and form smog, which degrades visibility and irritates the tear ducts and nasal membranes of humans. While programs to control emission air pollutants have substantially improved regional air quality within the last several decades, often parts of the Basin still do not meet clean air standards.

Local Climate

Local meteorological conditions in the project vicinity conform to the regional pattern of strong onshore winds by day (especially in summer) and weak offshore winds at night (particularly during the winter). These local wind patterns are driven by the temperature difference between the ocean and the warm interior topography. In summer, moderate breezes of 8 to 12 miles per hour blow onshore and up through the valley from the southwest by day. Light onshore breezes may continue throughout the night when the land remains warmer than the ocean. In winter, the onshore flow is weaker and the wind flow reverses to blow from the northeast in the evening as the land becomes cooler than the ocean.

Temperature Inversions

Both the onshore flow of marine air and the nocturnal winds are accompanied by two characteristic temperature inversion conditions that control the rate of air pollution dispersal throughout the Basin. Along the coastline, the marine air layer beneath the inversion cap is deep enough to accommodate any locally-generated emissions. However, as the layer moves inland, pollution sources (especially automobiles) add pollutants from below without any dilution from above through the inversion interface. When this polluted layer approaches foothill communities east of coastal developments, it becomes shallower and exposes residents in those areas to the concentrated by-products of coastal area sources.

5.1.1.2 Regulatory Framework

Regulatory oversight for air quality in the Basin rests with the San Diego Air Pollution Control District at the regional level, the California Air Resources Board at the State level, and the Environmental Protection Agency (EPA) Region IX office at the Federal level.

U.S. Environmental Protection Agency

The principal air quality regulatory mechanism on the Federal level is the Federal Clean Air Act (FCAA) and, in particular, the 1990 amendments to the FCAA and the National Ambient Air Quality Standards (NAAQS) that they established. These standards identify levels of air quality for “criteria” pollutants that are considered the maximum levels of ambient (background) air pollutants considered, with an adequate margin of safety, to protect the public health and welfare. The criteria pollutants are ozone (O₃), carbon monoxide (CO), nitrogen oxides (NO_x), sulfur oxides (SO_x), particulate matter less than 10 and 2.5 microns in diameter (PM₁₀ and PM_{2.5}) and lead (Pb); refer to Table 5.1-1. The EPA also has regulatory and enforcement jurisdiction over emission sources beyond State waters (the outer continental shelf) and over sources that are under the exclusive authority of the Federal government, such as aircraft, locomotives, and interstate trucking.

California Air Resources Board

The California Air Resources Board, a department of the California Environmental Protection Agency (CalEPA), oversees air quality planning and control throughout California. Its responsibility lies with ensuring implementation of the 1989 amendments to the California Clean Air Act (CCAA), responding to the FCAA requirements and regulating pollutant emissions from motor vehicles sold in California. It also sets fuel specifications to further reduce vehicular emissions.

The amendments to the CCAA establish California Ambient Air Quality Standards (CAAQS) and a legal mandate to achieve these standards by the earliest practicable date. These standards apply to the same criteria pollutants as does the FCAA, but also include sulfate, visibility, hydrogen sulfide, and vinyl chloride; refer to Table 5.1-1.

Global Climate Change

In 1988, the United Nations established the Intergovernmental Panel on Climate Change to evaluate the impacts of global warming and to develop strategies that nations could implement to curtail global climate change. In 1992, the United States joined other countries around the world in signing the United Nations' Framework Convention on Climate Change agreement with the goal of controlling greenhouse gas emissions, including methane. As a result, the Climate Change Action Plan was developed to address the reduction of greenhouse gases in the United States. The Climate Change Action Plan consists of more than 50 voluntary programs. Additionally, the Montreal Protocol was originally signed in 1987 and substantially amended in 1990 and 1992. The Montreal Protocol stipulates that the production and consumption of compounds that deplete ozone in the stratosphere (i.e., chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform) were to be phased out by year 2000.

On June 1, 2005, the Governor of California signed Executive Order S-3-05, which established the following greenhouse gas emission reduction targets for the State of California:

- By 2010, reduce greenhouse gas emissions to 2000 levels;
- By 2020, reduce greenhouse gas emissions to 1990 levels; and,
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

Executive Order S-3-05 also recognized the importance of preparedness in that it directed the Secretary of the California Environmental Protection Agency to lead an effort to evaluate the impacts of climate change on California and to examine adaptation measures that would best prepare the State to respond to the adverse consequences of climate change. In response to S-3-05, the Climate Action Team was convened, which comprised of representatives from California Environmental Protection Agency, California Air Resources Board, Integrated Waste Management, California Energy Commission, and several other State departments. The Climate Action Team prepared the *Climate Action Team Report for Governor Schwarzenegger and the Legislature* (dated March 2006), which provides an overview of scientific evidence regarding climate change as well as potential effects on California. The report also provides recommendations regarding strategies the State should pursue to reduce climate change emissions.

In addition to Executive Order S-3-05, the California Legislature passed Assembly Bill 32 (Global Warming Solutions Act) on August 31, 2006. It requires the State's global warming emissions to be reduced to 1990 levels by 2020. The reduction would be accomplished through an enforceable statewide cap on global warming emissions that would be phased in starting in 2012. On or before June 30, 2007, the California Air Resources Board is required to publish a list of discrete greenhouse gas emissions that can be implemented. Emission reductions shall include carbon sequestration projects and best management practices that are technologically feasible and cost-effective. However, Assembly Bill 32 does not provide thresholds or methodologies for analyzing a project's impacts regarding global climate change. Assembly Bill 32 primarily provides a timeframe for establishing plans, policies, and studies to address global climate change.

Sources of Greenhouse Gases

Auto Emissions. The United States Bureau of Transportation Statistics suggests that an average United States "trip" is about 11.4 miles. The amount of gasoline consumed per year can be estimated by multiplying the total miles traveled per project trip by the United States fuel economy average of 25 miles per gallon. Combustion of one gallon of gasoline produces about 19 pounds of carbon dioxide.

Electrical Power Emissions. Electrical power greenhouse gas emissions are a function of total project demand. Approximately 343 tons of carbon dioxide is produced for each megawatt hour of power generated by California electrical suppliers.

Natural Gas Emissions. Greenhouse gas emissions associated with the combustion of natural gas are a function of natural gas use at buildout and carbon dioxide emissions produced when a unit of natural gas is combusted. Natural gas produces approximately 0.05467 tons of carbon dioxide per 1,000 cubic feet combusted.

Other Greenhouse Gas Emissions. Emissions not included above include methane emissions from sources such as wastewater treatment plants, solid waste that is landfilled, and potentially other non-carbon dioxide greenhouse gas emissions that occur as a result of a project (e.g., sulfur hexafluoride emissions from transformers installed as part of electrical infrastructure). Landfill emissions are separately regulated and methane gas recovery is a required element of that regulatory program.

Total Emissions of Greenhouse Gases. Identifying and quantifying only the primary categories of sources of greenhouse gas emissions does not present a complete inventory of greenhouse gas emissions. Carbon dioxide and methane are only two of the greenhouse gases at issue, and it should be noted that these emissions factors provided above are from general factors, as they would apply to other similar projects (absent any mitigation) of the same magnitude. Currently, there is not an industry-wide accepted method to quantify greenhouse gases resulting from development projects.

San Diego Air Pollution Control District

The CARB has designated San Diego County as a discrete air basin under the jurisdiction of the SDAPCD. In addressing its planning role with respect to national ambient air quality standards, the SDAPCD has most recently developed an Ozone Redesignation Request and Maintenance Plan, which served as the basis for the EPA redesignating the Basin as an attainment zone for the one-hour O₃ standard on July 28, 2003. The basis for that request

was the demonstration that over a three-year period, the Basin had fewer than four instances of one-hour O₃ concentrations exceeding the 0.09 parts per million (ppm) threshold at any single monitoring station.

The SDAPCD developed the Regional Air Quality Strategy (RAQS) in 1991, which addressed state air quality planning requirements (focusing on ozone). The latest revision was published in July 2004. The SDAPCD is responsible for the overall development and implementation of the RAQS. The RAQS control measures focus on emission sources under the SDAPCD's authority, specifically, stationary emission sources and some area-wide sources. However, the emission inventories and emission projections in the RAQS reflect the impact of all emission sources and all control measures, including those under the jurisdiction of the CARB (e.g., on-road motor vehicles, off-road vehicles and equipment, and consumer products) and the EPA (e.g., aircraft, ships, trains, and pre-empted off-road equipment). Thus, while legal authority to control different pollution sources is separated, the SDAPCD is responsible for reflecting Federal, State, and local measures in a single plan to achieve ambient air quality standards in San Diego County.

City of Carlsbad General Plan Update Final Master EIR

The City of Carlsbad General Plan Update Final Master EIR identifies various air quality mitigation measures (which are also General Plan policies) to be applied to future land use planning phases and construction phases of development projects within the City of Carlsbad. These mitigation measures are derived from General Plan goals, policies, and objectives. The mitigation measures address six areas of concern related to air quality planning: 1) Planned Land Use Pattern; 2) Transportation Planning; 3) Alternate Modes of Transportation; 4) Regional Cooperation; 5) Energy Conservation; and 6) Construction-Related Impacts. General Plan Master EIR mitigation measures that will be implemented through project design and during construction of the proposed project are identified below. Given the project site location and constraints, project design and construction have incorporated aspects of these measures as feasible. In addition, many of these measures are policy level measures designed to provide land use planning guidance for the entire City of Carlsbad, not just the proposed project.

A. Planned Land Use Pattern

- Measure 1: Development applications should contribute to and extend existing systems of foot or bicycle paths, equestrian trails, and the greenbelts provided for in the Circulation, Parks and Recreation and Open Space Elements. (Land Use Element, Overall Land Use Pattern, C.7.5.)
- Measure 2: Development should provide for safe, easy pedestrian and bicycle linkages to nearby community centers, parks, schools, points of interest, major transportation corridors, neighborhood commercial centers, and the proposed Carlsbad Trail System. (Combined from Land Use Element, Overall Land Use Pattern, C.7.7; Residential, C.12; Commercial C.2.e.)
- Measure 3: Provide for a sufficient diversity of land uses so that schools, parks and recreational areas, churches and neighborhood shopping centers are available in close proximity to each resident of the City. (Land Use Element, Overall Land Use Pattern, C.6.)

- Measure 4: Locate multi-family uses near commercial centers, employment centers, and major transportation corridors. (Land Use Element, Residential, C.6.)
- Measure 7: Comprehensively design all commercial centers to be easily accessible by pedestrians, bicyclists, and automobiles to nearby residential developments. (Land Use Element, Commercial, C.3.)

B. Transportation Planning

- Measure 19: Require new development to comply with the adopted (September 23, 1986) Growth Management performance standards for circulation facilities. (Circulation Element, Streets and Traffic Control, C.1.)
- Measure 20: Minimize the number of access points to major and prime arterials to enhance the functioning of these streets as throughways. (Circulation Element, Streets and Traffic Control, C.4.)
- Measure 21: Provide traffic control devices along all roadway segments and at intersections and interconnect and synchronize the operation of traffic signals along arterial streets, whenever feasible. (Circulation Element, Streets and Traffic Control, C.7 and C.11.)
- Measure 23: Encourage the inclusion of onsite or nearby amenities such as day care facilities, dry cleaners and convenience stores within residential and industrial projects to reduce vehicular trips. (Circulation Element, Regional Circulation Considerations, C.2.)

C. Alternate Modes of Transportation

- Measure 24: Encourage the construction of sidewalks along all public roadways with social emphasis given to collectors, arterials, and areas with high pedestrian traffic generators such as schools, commercial centers, transportation facilities, public buildings, beaches and parks. (Circulation Element, Alternate Modes of Transportation, C.1.)
- Measure 25: Encourage pedestrian circulation in commercial areas through the provision of convenient parking facilities, increased sidewalk width, pedestrian-orientated building design, landscaping, street lighting and street furniture. (Circulation Element, Alternate Mode of Transportation, C.2.)
- Measure 26: Design pedestrian spaces and circulation in relationship to land uses and available parking for all new construction and redevelopment projects. (Circulation Element, Alternate Modes of Transportation, C.3.)
- Measure 27: Link public sidewalks to the network of public and private trail systems. (Circulation Element, Alternate Modes of Transportation C.4.)

D. Energy Conservation

- Measure 47: The City will continue to implement energy conservation measures in new housing development thorough State Building Code, Title 24 regulations, and solar orientation of major subdivisions through Title 20, Chapter 17 of the Municipal Code. (Housing Element, Program 5.1.)

E. Construction-Related Impacts

Measure 48: The City shall monitor all construction to ensure that proper steps are taken by developers to reduce short-term construction-related impacts to air resources. During clearing, grading, earth moving or excavation developers shall:

- Control fugitive dust by regular watering, paving construction roads, or other dust preventative measures;
- Maintain equipment engines in proper tune;
- Seed and water until vegetation cover is grown;
- Spread soil binders;
- Wet the area down, sufficient enough to form a crust on the surface with repeated soakings, as necessary, to maintain the crust and prevent dust picked up by the wind;
- Street sweeping, should silt be carried over to adjacent public thoroughfares;
- Use water trucks or sprinkler systems to keep all areas where vehicles move damp enough to prevent dust raised when leaving the site;
- Wet down areas in the late morning and after work is completed for the day; and,
- Use of low sulfur fuel (0.5% by weight) for construction equipment.

5.1.1.3 Monitored Air Quality

CARB sets State air quality standards and monitors ambient air quality at approximately 250 air-monitoring stations across the state. Air quality monitoring stations usually measure pollutant concentrations 10 feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Ambient air pollutant concentrations in the Basin are measured at ten air quality monitoring stations operated by the SDAPCD.

The Camp Pendleton Monitoring Station and the Escondido Monitoring Station were chosen to gather data for criteria pollutants. The data collected at these monitoring stations is representative of the air quality experienced onsite from 2001 through 2005; refer to Table 5.1-2. The following air quality information briefly describes the various types of criteria pollutants.

Ozone (O₃)

Ozone occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratospheric layer (the "good" ozone layer) extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays (UV-B).

"Bad" ozone is a photochemical pollutant, formed from the interaction of Volatile Organic Compounds (VOCs), NO_x, and sunlight; therefore, VOCs and NO_x are ozone precursors. VOCs and NO_x are emitted from various sources throughout the area. To reduce ozone

concentrations, it is necessary to control the emissions of these ozone precursors. Significant ozone formation generally requires an adequate amount of precursors in the atmosphere and several hours of strong sunlight. High ozone concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While ozone in the stratosphere protects the earth from harmful ultraviolet radiation, high concentrations of ground-level ozone can adversely affect the human respiratory system and other tissues. Many respiratory ailments, as well as cardiovascular disease, are aggravated by exposure to high ozone levels. Ozone also damages natural ecosystems (such as forests and foothill communities) and damages agricultural crops and some man-made materials (such as rubber, paint, and plastics). Societal costs from ozone damage include increased healthcare costs, the loss of human and animal life, accelerated replacement of industrial equipment, and reduced crop yields.

On April 15, 2004, EPA announced nonattainment designations for those areas that had exceeded the health-based standards for eight-hour ozone. These designations and classifications took effect for most areas on June 15, 2004. State, tribal and local governments must prepare a plan that describes efforts to reduce ground-level ozone. Transportation conformity requirements for the eight-hour standard (maximum allowable amount) for most areas were applicable on June 15, 2005. The one-hour Federal ozone standard was revoked with implementation of the eight-hour ozone designations. Additionally, State standards for the eight-hour ozone standard (0.07 ppm) were also recently adopted, in April 2005. The State standard for ozone is 0.09 ppm, averaged over one hour, and the Federal standard for ozone 0.08 ppm, averaged over eight hours.

The maximum eight-hour O₃ concentrations at the Camp Pendleton Monitoring Station ranged between 0.073 ppm and 0.098 ppm between years 2001 and 2005. The Federal Standard was exceeded once during this time period. The one-hour O₃ concentrations ranged from 0.087 to 0.113 ppm between 2001 through 2005. The State standard was exceeded eight times between 2001 and 2005. The Basin is designated as a nonattainment area for eight-hour O₃ State and Federal standards.

Carbon Monoxide (CO)

CO is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions. At high concentrations, CO can reduce the oxygen-carrying capacity of the blood and cause headaches, dizziness, unconsciousness, and death. Under both State and Federal standards, the Basin is classified as in attainment. No exceedances have occurred at the Escondido Monitoring Station over the last five years; refer to Table 5.1-2.

Nitrogen Dioxide (NO₂)

NO_x are a family of highly reactive gases that are a primary precursor to the formation of ground-level ozone, and react in the atmosphere to form acid rain. NO_x is a reddish-brown gas that can cause breathing difficulties at high levels. Peak readings of NO_x occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations).

NO_x can irritate and damage the lungs, and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO_x concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO_x may aggravate eyes and mucus membranes and cause pulmonary dysfunction. The Basin is designated as in attainment under State and Federal standards. State and Federal standards were not exceeded between 2001 and 2005.

Coarse Particulate Matter (PM₁₀)

Coarse Particulate Matter (PM₁₀) is suspended particulate matter that is smaller than 10 microns (ten one-millionths of a meter). PM₁₀ arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM₁₀ scatters light and significantly reduces visibility. In addition, these particulates penetrate into lungs and can potentially damage the respiratory tract. On June 19, 2003, the CARB amended the Statewide 24-hour particulate matter standard to 50 micrograms per cubic meter (µg/m³), based upon requirements set forth in the Children's Environmental Health Protection Act (Senate Bill 25). The Federal 24-hour standard of 150 µg/m³ was retained. The State standard for PM₁₀ is 50 µg/m³ averaged over 24 hours; this standard was exceeded six days between 2001 and 2005 at the Camp Pendleton Monitoring Station. The Federal standard was exceeded twice at the Camp Pendleton Monitoring Station between 2001 and 2005.

Fine Particulate Matter (PM_{2.5})

Because of recent increased concerns over health impacts related to fine particulate matter (particulate matter 2.5 microns in diameter or less), both State and Federal PM_{2.5} standards have been created. Particulate matter primarily affects infants, children, the elderly, and those with pre-existing cardiopulmonary disease. In 1997, the EPA announced new PM_{2.5} standards; industry groups challenged the new standard in court and the implementation of the standard was blocked. However, upon appeal by the EPA, the U.S. Supreme Court reversed this decision and upheld the EPA's new standards. The Federal Standard is 65 µg/m³ over an average of 24 hours.

On June 20, 2002, the CARB adopted amendments for Statewide annual ambient particulate matter air quality standards. These standards were revised because of increasing concerns by the CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current State standards during some parts of the year, and the Statewide potential for significant health impacts from particulate matter exposure was determined to be large and wide-ranging. Based upon a desire to set clean air goals throughout the State, the CARB created a new annual average standard for PM_{2.5} at 12 µg/m³.

As indicated in Table 5.1-2, PM_{2.5} levels have been exceeded twice between 2001 and 2005. The CARB issued a staff report that recommended that the Basin be designated as in nonattainment for State and Federal PM_{2.5} standards. The EPA published the area designations and classifications for the PM_{2.5} NAAQS in the Federal Register, and designated the Basin as an unclassifiable/attainment area.

Hydrocarbons (Reactive Organic Gases and Volatile Organic Compounds)

Hydrocarbons are organic gases that are formed solely of hydrogen and carbon. Two subsets of organic gases are reactive organic gases (ROGs) and volatile organic compounds (VOCs). ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. ROGs comprise all organic gases except those exempted by the CARB; therefore, ROGs are a set of organic gases based on State rules and regulations. VOCs are similar to ROGs in that they comprise all organic gases but they exclude those exempted by federal law; therefore, VOCs are a set of organic gases based on federal rules and regulations. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).

The effects of hydrocarbons result from the formation of ozone and its related health effects. High levels of hydrocarbons in the atmosphere can interfere with oxygen intake by reducing the amount of available oxygen through displacement. Carcinogenic forms of hydrocarbons are considered toxic air contaminants (“air toxics”). There are no separate health standards for VOCs, although some VOCs are also toxic; an example is benzene, which is both a VOC and a carcinogen. VOCs were not measured at the Escondido or Camp Pendleton Monitoring Station during the past five years.

Toxic Air Contaminants (TACs)

According to Section 39655 of the California Health and Safety Code, a toxic air contaminant is “an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.” In addition, 189 substances that have been listed as Federal hazardous air pollutants (HAPs), pursuant to Section 7412 of Title 42 of the United States Code are TACs under the State's air toxics program pursuant to Section 39657 (b) of the California Health and Safety Code.

TACs can cause various cancers, depending on the particular chemicals, their type, and the duration of exposure. Additionally, some of the TACs may cause other health effects over the short or long term. The ten TACs posing the greatest health risk in California are acetaldehyde, benzene, 1-3 butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchlorethylene, and diesel particulate matter.

5.1.1.4 Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than is the general population. Sensitive populations (sensitive receptors) that are in proximity to localized sources of toxics and CO are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers and retirement homes. Sensitive receptors located within and adjacent to the project area generally include residential areas and parks.

The Ponto Area is surrounded primarily by residential homes to the north and east. To the south of the site is the Batiquitos Lagoon and to the west is the South Carlsbad State Beach. The nearest hospital to the Ponto Area is the Kaiser Permanente Medical Center, which is

located approximately less than one-half mile north of the project. There are no additional sensitive receptors within the immediate area of the site.

5.1.2 Thresholds for Determining Significance

In accordance with CEQA, the effects of a project are evaluated to determine if they will result in a significant impact on the environment. The criteria (standards) used to determine the significance of impacts might vary depending on the nature of the project. Air quality impacts resulting from the implementation of the proposed project could be considered significant if they would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable Federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations; or,
- Create objectionable odors affecting a substantial number of people.

SDAPCD Thresholds

Per the SDAPCD, a project is significant if it generates total emissions (direct and indirect) that exceed their adopted thresholds; refer to Table 5.1-3. Note that the emission thresholds are given as a daily value and an annual value, so that a multi-phased project (such as a project with a construction phase and a separate operational phase) with phases shorter than one year can be compared to the daily value.

In addition, the significance of localized project impacts depends on whether ambient CO levels in the vicinity of the project are above or below State and Federal CO standards. If the project causes an exceedance of either the state one-hour or eight-hour CO concentrations, the project would be considered to have a significant local impact. If ambient levels already exceed a State or Federal standard, then project emissions would be considered significant if they increase one-hour CO concentrations by 1.0 ppm or more, or eight-hour CO concentrations by 0.45 ppm or more; refer to Table 5.1-4.

5.1.2.1 Air Quality Modeling

URBEMIS 2002

This analysis of air quality impacts used the emission factors from URBEMIS 2002 for the construction (short-term) and operational (long-term) analyses. URBEMIS 2002 operational emissions address emissions from two separate sources: stationary area sources (e.g., emissions from space heating, lawn mowers) and mobile (vehicle) sources. These emissions are calculated for the project buildout period and take into account future vehicle fleet mixes and emission controls.

URBEMIS 2002 was developed to provide meaningful analysis of both short- and long-term impacts, and to encourage early development of mitigation measures during project planning. Discrete URBEMIS 2002 analysis is limited to annual periods. URBEMIS 2002 uses a simplified set of emission factors to estimate impacts separately for predetermined construction periods and for operational periods as independent events, and does not factor in small discrete periods of project overlap, incremental periods smaller than one year, individual buildout rates for each particular element of construction, scheduled utilization of individual pieces of construction equipment, pro-ratio of occupancy, retrofit technology over the life of equipment, pollutant reactivity, or pollutant transport.

CALINE-4 Air Quality Model

CALINE-4 is an offsite consequence model used in conjunction with traffic related information. This program allows microscale CO concentrations to be estimated along each roadway corridor or near intersections. This model is designed to identify localized concentrations of carbon monoxide, often termed “hot spots.” Since the SDAPCD does not currently have guidelines on CO modeling, the South Coast Air Quality Management District (SCAQMD) guidelines were used. The SCAQMD requires that a CO hotspot analysis be performed if the results of the traffic study show a reduction in level of service to “E” or “F” or worsen an existing level of service to “C” or “D.” A hotspot analysis provides an estimate of localized concentration (i.e., micrograms per cubic meter) of CO related to mobile sources. This model is used for cumulative traffic related impacts.

5.1.3 Environmental Impact

5.1.3.1 Short-Term (Construction) Impacts

Future construction of the proposed project site would generate short-term air quality impacts during grading and construction operations. The short-term air quality analysis considers the following temporary impacts from the project.

- Clearing, grading, excavating and using heavy equipment or trucks creating large quantities of fugitive dust, and thus PM₁₀;
- Heavy equipment required for grading and construction generates and emits diesel exhaust emissions; and,
- The vehicles of commuting construction workers and trucks hauling equipment would generate and emit exhaust emissions.

As properties within the Ponto Area are all privately owned, development of the area would take place incrementally as individual property owners choose to undertake development or redevelopment of activities. A scheduled construction-phasing plan has not been established for the project. Actual construction quantities or plans have not yet been determined, and therefore, construction emissions were analyzed qualitatively.

Fugitive Dust and Construction Equipment Emissions

Federal, State, and local development standards and requirements designed to minimize air quality emissions would be implemented through standard development procedures. These measures typically include the following:

- Water exposed soils at least twice daily and maintain equipment and vehicle engines in good condition and in proper tune;
- Wash-off trucks leaving development sites;
- Replace ground cover on construction sites if it is determined that the site will be undisturbed for lengthy periods;
- Reduce speeds on unpaved roads to less than 15 miles per hour;
- Halt all grading and excavation operations when wind speeds exceed 25 miles per hour;
- Properly maintain diesel-powered onsite mobile equipment;
- Install particulate filters on off-road construction equipment;
- Sweep streets at the end of the day if substantial visible soil material is carried over to the adjacent streets; and,
- Cover all trucks hauling dirt, sand, soil or other loose material to and from the site.

Impacts AQ-1, AQ-2 and AQ-3 Fugitive dust is a major concern for areas in the Basin. Potential air quality impacts would result from clearing, grading, and earth moving operations (AQ-1); trucks hauling material on and offsite (AQ-2); and diesel particulate matter from construction equipment onsite (AQ-3). All future projects within the Ponto Area would be required to adhere Mitigation Measures AQ-1 and AQ-2, which include standard SDAPCD dust control measures and preventing excessive dust from construction vehicles that may need to use the public roadway system. Additionally, Mitigation Measure AQ-3 would serve to control diesel particulate matter impacts that may arise from the use of onsite heavy construction equipment. However, implementation of the Vision Plan would include considerable construction activities, which could potentially result in periodic exceedances of SDAPCD standards. As the Vision Plan establishes a vision of the development anticipated to occur in the Ponto Area, but does not provide final development plans, it is not possible to quantify potential future impacts associated with fugitive dust. Therefore, based on the size of the Ponto Area, it is anticipated that impacts regarding fugitive dust from future construction activities would be significant and unavoidable.

Asbestos

The Ponto Area is primarily vacant except in the northern portion where the existing residential/commercial/small-scale industrial uses occur. As development of the Ponto Area occurs on individual land ownerships in the future, landowners may elect to demolish existing structures on their land to allow for redevelopment or new development. As structures constructed prior to 1980 are included within this neighborhood, such structures may contain friable asbestos, which has been identified as a hazardous airborne contaminant. Existing regulations would require demolition activities to minimize asbestos released into the air. Primarily, this is accomplished through the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP). The EPA, through the CARB and the SDAPCD, enforces this NESHAP.

Impact AQ-4 The asbestos NESHAP specifies work practices to be followed during demolition of all structures that contain, or may contain asbestos (SDAPCD District

Regulation XI, National Emissions Standards for Hazardous Air Pollutants). These work practices have been designed to effectively reduce airborne asbestos to safe levels. Development of the Ponto Area would be subject to the asbestos NESHAP, and would be required to comply with these specified work practices. Additionally, demolition activities would be subject to SDAPCD Rule 361.150 (Standards for Waste Disposal for Manufacturing, Fabricating, Demolition, Renovation, and Spraying Operations). Consequently, airborne asbestos would not be generated in unhealthy amounts during demolition. However, as demolition activities could result in the potential exposure of sensitive receptors to the effects of asbestos, this would be considered a significant impact.

Reactive Organic Gas and Volatile Organic Compound Emissions

Impact AQ-5 In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are ozone precursors. Future development within the Ponto Area would be required to adhere to the SDAPCD Rule 67.0, Architectural Coatings, which provides stipulations on painting and coating activities. Compliance with this standard would reduce impacts to less than significant. However, as future improvement activities would have the potential to expose sensitive receptors to pollutant concentrations, this would be considered a significant impact.

5.1.3.2 Long-Term (Operational) Impacts

For purposes of the air quality emissions analysis, operational-related air quality impacts were studied for 2030 buildout. Long-term air quality impacts would consist of mobile source emissions generated from project-related traffic and from stationary source emissions generated directly from natural gas. Emissions associated with each of these sources are discussed and calculated below.

Mobile Source Emissions

Based on the data used for the Traffic Impact Analysis, future development of the Ponto Area would potentially generate approximately 15,161 daily vehicle trips. Mobile source emissions arise from motor vehicles, including tailpipe and evaporative emissions. Project-generated vehicle emissions have been estimated using the URBEMIS 2002 computer model. This model predicts ROG_s, CO, NO_x, SO_x, and PM₁₀ emissions from motor vehicle traffic associated with new or modified land uses; refer to Appendix B for model input values used for the air quality analysis. Project trip generation rates were based on the Traffic Impact Analysis; refer to Section 5.6 and Appendix G.

Depending upon the pollutant being discussed, a potential air quality impact may be of either regional or local concern. For example, ROG, NO_x, SO_x, and PM₁₀ are all pollutants of regional concern (NO_x and VOCs react with sunlight to form O₃ [photochemical smog], and wind currents readily transport SO_x and PM₁₀). CO tends to be a localized pollutant, dispersing rapidly at the source.

Area Source Emissions

Area source emissions were estimated using a variety of sources including the URBEMIS 2002 model, along with generally accepted emission factors for certain stationary sources. While previous versions of URBEMIS 2002 were designed to estimate emissions only from motor vehicle trips, the current version can estimate emissions from gas heaters, furnaces,

and landscape maintenance equipment. The model accounts for specific meteorological conditions and topography that characterize each air basin in California. Electricity and natural gas are utilized by almost every residential development. As indicated in Table 5.1-5, area source emissions would not exceed established SDAPCD thresholds.

Total Project Operational Emissions: Area and Mobile Sources

Impact AQ-6 The total project operational emissions are described in terms of area source and mobile source (vehicle) emissions. As depicted in Table 5.1-5, Year 2030 Project Operational Emissions, regional level PM₁₀ and ROG emissions would exceed the SDAPCD thresholds of significance. Therefore, future development of the Ponto Area would potentially result in significant and unavoidable impacts for long-term operations under buildout conditions.

Localized CO Hotspots

Carbon monoxide emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthy levels (i.e., adversely affect residents, school children, hospital patients, the elderly, etc.).

To identify CO hotspots, the SDAPCD follows the SCAQMD criterion, which requires an analyst to perform a CO microscale hotspot analysis when a project increases the volume-to-capacity ratio (also called the intersection capacity utilization) by 0.02 (two percent) for any intersection with an existing level of service (LOS) D or worse. Because traffic congestion is highest at intersections where vehicles queue and are subject to reduced speeds, these hot spots are typically produced at intersection locations. Per the Traffic Impact Analysis, full buildout of the Ponto Area would warrant a CO hotspot at the intersections provided in Table 5.1-6, Carbon Monoxide Levels at Surrounding Intersections.

The PM peak hour results in higher intersection capacity utilization (ICU) and was used in the modeling process. Future CO projections were modeled using the existing lane configurations and do not include the improvements discussed in the traffic analysis. The projected traffic volumes were then modeled using the CALINE4 dispersion model and the resultant values were added to an ambient concentration. The ambient concentration used in the modeling was the highest one-hour measurement from the past five years of SDAPCD. Actual future ambient CO levels may be lower due to emissions control strategies that would be implemented between now and the project buildout date.

As indicated in Table 5.1-6, the surrounding intersections would not result in exceedances of Federal or State CO standards. As indicated in Table 5.1-6, CO levels would be well below the State standard of 20 ppm for the one-hour Standards and 9 ppm for the eight-hour standards. Therefore, impacts associated with CO levels would be less than significant.

5.1.3.3 Plan Consistency

A potentially significant impact on air quality would occur if the project would conflict with or obstruct the implementation of the applicable air quality plan. Although the project would negatively impact air quality in the Basin, of primary concern is that project-related impacts have been properly anticipated in the regional air quality planning process and reduced whenever feasible. Therefore, it is necessary to assess the project's consistency with the

SDAPCD *Regional Air Quality Strategy* (RAQS). Project consistency with the RAQS is determined in terms of whether the proposed project exceeds the criteria pollutant threshold levels established by the SDPACD and whether the proposed project would result in growth that has been anticipated in a given subregion.

Based on the operational emissions presented in Table 5.1-5, long-term operation of the proposed project would result in exceedances of the SDAPCD standards thresholds. In this regard, the proposed project would be considered inconsistent with the RAQS.

City of Carlsbad General Plan

The second criterion for establishing consistency with the RAQS is whether the project would be consistent with the population growth forecasts in the City of Carlsbad General Plan, as well as the traffic assumptions utilized by the SDAPCD. Based on the current General Plan, the proposed project is divided into six separate land uses:

- RMH (Residential Medium High – 8 to 15 dwelling units per acre);
- RMH/TR (Residential Medium High and/or Travel/Recreation Commercial);
- UA (Unplanned Area);
- OS (Open Space and Community Parks);
- TR/C (Travel/Recreation Commercial/Community Commercial); and,
- TR (Travel/Recreation Commercial).

Development of the Ponto Area would change the existing land use designations to a “Special Planning Considerations Area,” to be developed under the guidance of the Ponto Beachfront Village Vision Plan. Future development proposals within the Ponto Area may be required to propose General Plan and Local Coastal Program land use reclassifications, as well as city-wide and Local Coastal Program zone changes that would be evaluated as part of the discretionary approval process.

At present, there are three City zoning designations for the various parcels in the Ponto Area. These designations include: PC – Planned Community; CT-Q – Commercial Tourist zone with Qualified Development Overlay; RD-M-Q – Residential Density – Multiple zone with Qualified Development Overlay; and, CT-Q/RD-M-Q – a dual designation indicating that with further planning, one or both uses may be appropriate. No changes to the existing zoning are proposed with the project.

Table 5.1-7, Existing General Plan and Proposed Project Land Use Designations, includes the maximum trips associated with the current General Plan land use designation, as well as the trips associated with the development as proposed in the Vision Plan. As noted in Table 5.1-7, the proposed project would result in approximately 300 fewer trips than originally assumed in the General Plan. As the proposed project would result in fewer trips than originally projected in the General Plan, the trips associated with the project would be accounted for within SDAPCD’s growth projections. Therefore, development of the Ponto Area as envisioned in the Vision Plan would be consistent with the growth projections for the City and the SDAPCD.

As part of the City's Growth Management Plan (GMP) and Chapter 21.90 of the City Zoning Ordinance, the City has been divided into 25 subareas, or zones, to ensure that services and facilities will be adequately provided for existing and future development. The GMP limits the number of residential building permits that can be issued throughout the City to a maximum of approximately 54,600 dwelling units at buildout. The Ponto Area is within the southwest quadrant of the City, which allows for a total of 12,859 dwelling units at buildout. This maximum number of units cannot be changed unless approved by public vote. The number of residential units anticipated with implementation of the Vision Plan would be consistent with the GMP.

San Diego Association of Governments (SANDAG)

The San Diego Association of Governments (SANDAG) has prepared the Regional Comprehensive Plan (RCP), which serves as the long-term planning framework for the San Diego region. It provides a broad context in which local and regional decisions can be made that move the region toward a sustainable future. The RCP contains an incentive-based approach to encourage and channel growth into existing and future urban areas and smart growth communities.

According to the SANDAG, a smart growth community would be a compact, efficient, and environmentally sensitive pattern of development that provides people with additional travel, housing, and employment choices by focusing future growth away from rural areas and closer to existing and planned job centers. Some principles of smart growth areas include reducing sprawl, encouraging using public transportation and walking, and providing jobs/housing balance.

As part of the RCP, SANDAG has prepared a Draft Smart Growth Concept Map, which contains almost 200 existing, planned, or potential smart growth locations. The map was circulated for review and comment at public workshops and city council presentations during April 2006, and accepted by the SANDAG Board of Directors for planning purposes for the Regional Transportation Plan (RTP) in June 2006. The Ponto Area is included as part of the Smart Growth Concept Map. Therefore, development of the Ponto Area would be consistent with the anticipated growth within the San Diego region.

Consistency Determination

Although future development of the Ponto Area would exceed the SDAPCD's regional emissions threshold for ROGs and PM₁₀, development would be consistent with the San Diego Air Basin regional planning documents. Per consultation with the SDAPCD, a project is "regionally consistent" if it meets the planning assumptions and objectives contained within the City's General Plan, the RAQS, and the RCP.¹ ~~It should also be noted that development of the Ponto Area, as envisioned in the Vision Plan, would result in approximately 300 fewer vehicle trips than was originally assumed in the City's General Plan. Therefore, development of the Ponto Area as proposed within the Vision Plan would~~ be consistent with all applicable regional plans, and impacts would be less than significant.

¹ Telephone conversation between Maria Cadiz, RBF Consulting, and Andy Hamilton, San Diego Air Pollution Control District, ARSD Division, October 11, 2006.

Global Climate Change

CEQA requires an agency to engage in forecasting “to the extent that an activity could reasonably be expected under the circumstances. An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal” (CEQA Guidelines section 15144, Office of Planning Research commentary, citing the California Supreme Court decision in Laurel Heights Improvement Association v. Regents of the University of California [1988] 47 Cal. 3d 376).

CEQA does not require an agency to evaluate an impact that is “too speculative” provided that the agency identifies the impact, engages in a “thorough investigation” but is “unable to resolve an issue,” and then discloses its conclusion that the impact is too speculative for evaluation (CEQA Guidelines section 15145, Office of Planning and Research commentary).

Additionally, CEQA requires that impacts be evaluated at a level that is “specific enough to permit informed decision making and public participation” with the “production of information sufficient to understand the environmental impacts of the Proposed Project and to permit a reasonable choice of alternatives so far as environmental aspects are concerned” (CEQA Guidelines section 15146, Office of Planning and Research commentary).

Global climate change impacts are a result of cumulative emissions from anthropogenic activities in the region, the state and the world. The proposed project would indirectly lead to increased energy consumption, which would generate additional greenhouse gas emissions. However, the proposed project is not anticipated to directly emit emissions.

In light of legislation such as Assembly Bill 32 and Executive Order S-3-05, there has been much debate regarding the analysis of global climate change in CEQA documents. As previously mentioned, although several studies are available regarding the overall impacts associated global climate change, the conclusions and predictions vary with each report. Based on the current scientific literature, it would be speculative to determine whether the contribution of any particular project or plans to greenhouse gas emissions and climate changes is significant.

Based on an investigation of compliance with local air quality thresholds and future long-term operational impacts, implementation of the Vision Plan would have the potential to contribute emissions associated with greenhouse gas emissions and global climate change. However, there is significant uncertainty involved in making predictions of the extent of which the proposed project construction and operation would have on greenhouse gas emissions and global climate change. Therefore, a conclusion on the significance of the environmental impact of climate change cannot be reached. Section 15145 of the *CEQA Guidelines* provides that, if after a thorough investigation a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impacts.

5.1.4 Mitigation Measures

5.1.4.1 Short-Term (Construction) Impacts

AQ-1 During clearing, grading, earth-moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures using the following procedures:

- Onsite vehicle speed shall be limited to 15 miles per hour;
- All onsite construction roads with vehicle traffic shall be watered periodically;
- Streets adjacent to the Ponto Area shall be swept as needed to remove silt that may have accumulated from construction activities so as to prevent excessive amounts of dust;
- All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day;
- All clearing, grading, earth-moving, or excavation activities shall cease during periods of high winds (i.e., greater than 35 miles per hour averaged over one hour) so as to prevent excessive amounts of dust;
- All material transported onsite or offsite shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
- The area disturbed by clearing, grading, earth-moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust; and,
- These control techniques shall be indicated on project grading plans. Compliance with this measure shall be subject to periodic site inspections by the City of Carlsbad.

AQ-2 All trucks hauling excavated or graded material onsite shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4), as amended, regarding the prevention of such material spilling onto public streets.

AQ-3 During construction activities, excessive construction equipment and vehicle exhaust emissions shall be controlled by implementing the following procedures:

- Properly and routinely maintain all construction equipment, as recommended by manufacturer manuals, to control exhaust emissions;
- Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling engines;
- Encourage ride sharing and use of transit transportation for construction employees commuting to the project sites;
- Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment; and,
- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing construction activity during the peak-hour of vehicular traffic on adjacent roadways.

AQ-4 The construction contractor shall adhere to SDAPCD District Rule 361.150 (Standards for Waste Disposal for Manufacturing, Fabricating, Demolition, Renovation, and Spraying Operations) to regulate asbestos emissions as a result of demolition activities.

AQ-5 The construction contractor shall adhere to SDAPCD District Rule 67.0 (Architectural Coatings) to limit volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

5.1.4.2 Long-Term (Operational) Impacts

AQ-6 Prior to approval of site development plans for future development within the Ponto Area, the City shall ensure that all of the operational mitigation measures identified below are identified and included as part of the project development plans, as applicable. These measures shall be implemented by the project applicant of each individual project when development plans are proposed, and shall be verified by the City of Carlsbad Planning Department.

- The City shall recommend that the proposed surrounding commercial facilities which incorporate gas stations utilize pumps dispensing oxygenated gasoline (especially during winter months, typically taken as November through February inclusive) in an effort to reduce overall CO emissions within the air basin due to traffic traveling to and from the project site. In addition, the City shall recommend that workers at surrounding commercial facilities participate in ride-share programs and seek alternate forms of transportation to the site.
- Future onsite commercial land uses shall implement design measures that promote the use of alternative modes of transportation, such as:
 - Mixed-use development (combine residential, retail, employment, and commercial).
 - Sidewalks; safe street and parking lot crossings; showers and locker rooms; sheltered transit stops; theft-proof well-lighted bicycle storage facilities with convenient access to building entrance; carpools and vanpools.
 - Onsite services to reduce need for offsite travel such as: childcare; telecommute center; retail stores; postal machines; and automatic teller machines.
 - Commercial and retail businesses ~~shall~~ should be encouraged to schedule operations during off-peak travel times; adjust business hours; and allow alternative work schedules, telecommuting.
 - Provide preferential parking for carpool/vanpool vehicles.
 - Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.
 - Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.
- Increase walls and attic insulation beyond Title 24 requirements.
- Plant shade trees in surface parking lots to reduce evaporative emissions from parked vehicles.
- Use lighting controls and energy-efficient interior lighting, and built-in energy efficient appliances.
- Use double-paned windows.
- Use energy-efficient low sodium parking lot and streetlights.

5.1.4.3 Plan Consistency

No mitigation measures are recommended.

5.1.4.4 Global Warming

No mitigation measures are recommended.

5.1.5 Impact After Mitigation

The following air quality impacts remain significant and unavoidable following implementation of the recommended mitigation measures:

- Construction Emissions;
- Long-Term Operational Emissions;
- Cumulative Construction Emissions (refer to Section 7.1.2.1); and,
- Cumulative Long-Term Impacts (refer to Section 7.1.2.2).

Mitigation measures AQ-1 through AQ-6 will reduce potential air quality impacts to the maximum extent possible. These mitigation measures outline specific steps to mitigate air quality impacts during the construction and operations phases of the project; however, impacts associated with ROG and PM₁₀ would remain significant and unavoidable.

**Table 5.1-1
National and California Ambient Air Quality Standards**

Pollutant	Averaging Time	California ¹		Federal ²	
		Standard ³	Attainment Status	Standards ⁴	Attainment Status
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	Nonattainment	NA ⁵	NA ⁵
	8 Hours	0.07 (137 µg/m ³)	Nonattainment	0.08 ppm (157 µg/m ³)	Nonattainment
Particulate Matter (PM ₁₀)	24 Hours	50 µg/m ³	Nonattainment	150 µg/m ³	Unclassified
	Annual Arithmetic Mean	20 µg/m ³	Nonattainment	50 µg/m ³	Unclassified
Fine Particulate Matter (PM _{2.5})	24 Hours	No Separate Standard		65 µg/m ³	Attainment
	Annual Arithmetic Mean	12 µg/m ³	Attainment	15 µg/m ³	Attainment
Carbon Monoxide (CO)	8 Hours	9.0 ppm µg/m ³	Attainment	9 ppm (10 µg/m ³)	Attainment
	1 Hour	20 ppm (23 µg/m ³)	Attainment	35 ppm (40 µg/m ³)	Attainment
Nitrogen Dioxide (NO ₂)	Annual Arithmetic Mean	NA	NA	0.053 ppm (100 µg/m ³)	Attainment
	1 Hour	0.25 ppm (470 µg/m ³)	Attainment	NA	NA
Lead (Pb)	30 days average	1.5 µg/m ³	Attainment	NA	NA
	Calendar Quarter	NA	NA	1.5 µg/m ³	Attainment
Sulfur Dioxide (SO ₂)	Annual Arithmetic Mean	NA	NA	0.030 ppm (80 µg/m ³)	Attainment
	24 Hours	0.04 ppm (105 µg/m ³)	Attainment	0.14 ppm (365 µg/m ³)	Attainment
	3 Hours	NA	NA	NA	Attainment
	1 Hour	0.25 µg/m ³	Attainment	NA	NA
Visibility-Reducing Particles	8 Hours (10 a.m. to 6 p.m., PST)	Extinction coefficient = 0.23 km@<70% RH	Unclassified	No Federal Standards	
Sulfates	24 Hour	25 µg/m ³	Attainment		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Unclassified		

µg/m³ = micrograms per cubic meter; ppm = parts per million; km = kilometer(s); RH = relative humidity; PST = Pacific Standard Time; NA = Not Applicable

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter-PM₁₀, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations. In 1990, the CARB identified vinyl chloride as a Toxic Air Contaminant and determined that there was not sufficient available scientific evidence to support the identification of a threshold exposure level. This action allows the implementation of health-protective control measures at levels below the 0.010 ppm ambient concentration specified in the 1978 standard.
2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. EPA also may designate an area as *attainment/unclassifiable* if (1) monitored air quality data show that the area has not violated the ozone standard over a three-year period; or (2) there is not enough information to determine the air quality in the area. For PM₁₀, the 24-hour standard is attained when 99 percent of the daily concentrations, averaged over the three years, are equal to or less than the standard. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.
3. Concentration is expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 mm of mercury. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of mercury (1,013.2 millibar); ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.
5. The Federal 1-hour ozone standard was revoked on June 15, 2005.

Source: California Air Resources Board and U.S. Environmental Protection Agency, 2005.

**Table 5.1-2
Local Ambient Air Quality**

Pollutant	Standard (Maximum Allowable Amount)		Year	Maximum Concentration	Number of Days State/Federal Std. Exceeded
	California	Federal Primary			
Carbon Monoxide (CO)	9.0 ppm for 8 hour	9.0 ppm for 8 hour	2001 ¹	5.11 ppm	0/0
			2002 ¹	3.85	0/0
			2003 ¹	10.64	0/0
			2004 ¹	3.61	0/0
			2005 ¹	2.79	0/0
Ozone (O ₃) (8 Hours)	0.07 ppm for 8 hours	0.08 ppm for 8 hours	2001 ²	0.098 ppm	NA/1
			2002 ²	0.073	NA/0
			2003 ²	0.084	NA/0
			2004 ²	0.095	NA/2
			2005 ¹	0.074	NA/0
Ozone (O ₃) (Hourly)	0.09 ppm for 1 hour	NA	2001 ²	0.113 ppm	0/NA
			2002 ²	0.087	0/NA
			2003 ²	0.099	4/NA
			2004 ²	0.110	4/NA
			2005 ²	0.090	0/NA
Nitrogen Dioxide (NO ₂)	0.25 ppm for 1 hour	0.053 ppm annual average	2001 ²	0.092 ppm	0/NA
			2002 ²	0.109	0/NA
			2003 ²	0.095	0/NA
			2004 ²	0.099	0/NA
			2005 ²	0.077	0/NA
Coarse Particulate Matter (PM ₁₀) ^{3,4}	50 µg/m ³ for 24 hours	150 µg/m ³ for 24 hours	2001 ¹	72.0 µg/m ³	2/0
			2002 ¹	50.0	0/0
			2003 ¹	179.0	5/1
			2004 ¹	58.0	0/1
			2005 ¹	42.0	0/0
Fine Particulate Matter (PM _{2.5}) ⁴	No Separate State Standard	65 µg/m ³ for 24 hours	2001 ¹	60.0 µg/m ³	0/0
			2002 ¹	53.6	0/0
			2003 ¹	69.2	1/1
			2004 ¹	67.3	1/1
			2005 ¹	43.1	1/0

ppm = parts per million; PM₁₀ = particulate matter 10 microns in diameter or less; NA = not applicable; µg/m³ = micrograms per cubic meter; PM_{2.5} = particulate matter 2.5 microns in diameter or less

1. Air quality data was taken from the Escondido Monitoring Station.

2. Air quality data was taken from the Camp Pendleton Monitoring Station.

3. PM₁₀ exceedances are based on State thresholds established prior to amendments adopted on June 20, 2002.

4. PM₁₀ PM_{2.5} exceedances are derived from the number of samples exceeded, not days.

Source: California Air Resources Board, *Aerometric Data Analysis and Management (ADAM) Air Quality Data Statistics*, <http://www.arb.ca.gov/adam/welcome.html>

**Table 5.1-3
Pollutant Thresholds Per SDAPCD**

Pollutant	SDAPCD Thresholds (lbs/day)	SDAPCD Thresholds (tons/year)
Carbon Monoxide (CO)	550	100
Oxides of Sulfur (SO _x)	250	50
Volatile Organic Compounds (VOCs)	55 ⁽¹⁾	NA
Oxides of Nitrogen (NO _x)	250	50
Particulate Matter (PM ₁₀)	100	15

Note: VOC thresholds based upon San Diego Air Pollution Control District levels per SDAPCD requirements (September, 2001).

Source: SDAPCD Rule 1501, 20.2(d)(2), 1995.

**Table 5.1-4
Federal and State Carbon Monoxide Standards**

Jurisdiction	Averaging Time	CO Standard
Federal	1 Hour	35 ppm
	8 Hour	9 ppm
State	1 Hour	20 ppm
	8 Hour	9 ppm

Notes: ppm = parts per million

Source: California Air Resources Board.

**Table 5.1-5
Year 2030 Project Operational Emissions**

Source Categories	Specific Sources and Activities	Emissions (lbs/day)¹				
		ROG	NO_x	PM₁₀	CO	SO_x
Area Source	Natural gas combustion, landscape maintenance	26.36	11.46	0.04	15.26	0.00
Mobile Source	Project-related motor vehicle trips	29.73	29.78	173.86	354.16	1.00
	Totals	56.09	41.24	173.90	354.16	1.00
SDAPCD Significance Criteria		55	250	100	550	250
Significant?		Yes	No	Yes	No	No

1 - Refer to the worksheets in Appendix D of Appendix B for detailed assumptions.

**Table 5.1-6
Carbon Monoxide Levels at Surrounding Intersections**

Intersection	1-Hour CO (ppm)		8-Hour CO (ppm) ³	
	1-Hour Standard ²	Future + Project	8-Hour Standard ³	Future + Project
Palomar Airport Road at Avenida Encinas	20 ppm	6.0	9 ppm	4.20
Palomar Airport Rd. at I-5 Northbound Ramps	20 ppm	6.0	9 ppm	4.20
Palomar Airport Road at Paseo del Norte	20 ppm	6.1	9 ppm	4.27
Palomar Airport Road at Armada	20 ppm	6.1	9 ppm	4.27
Palomar Airport Rd. at Aviara Pky/College Blvd.	20 ppm	6.1	9 ppm	4.27
Palomar Airport Road at El Camino Real	20 ppm	6.1	9 ppm	4.27
Palomar Airport Road at El Fuerta Street	20 ppm	6.1	9 ppm	4.27
Palomar Airport Road at Melrose	20 ppm	6.1	9 ppm	4.27
Poinsettia Lane at Carlsbad Blvd.	20 ppm	6.0	9 ppm	4.20
Poinsettia Lane at Avenida Encinas	20 ppm	5.9	9 ppm	4.13
Poinsettia Lane at I-5 Southbound Ramps	20 ppm	6.0	9 ppm	4.20
Poinsettia Lane at I-5 Northbound Ramps	20 ppm	6.0	9 ppm	4.20
Poinsettia Lane at Paseo Del Norte	20 ppm	6.0	9 ppm	4.20
Poinsettia Lane at Aviara Parkway	20 ppm	6.0	9 ppm	4.20
El Camino Real at Camino Vida Roble	20 ppm	6.0	9 ppm	4.20
La Costa Ave. at Carlsbad Blvd.	20 ppm	6.1	9 ppm	4.27
La Costa Ave. at Vulcan Ave.	20 ppm	6.0	9 ppm	4.20
La Costa Ave. El Camino Real	20 ppm	6.2	9 ppm	4.27
Leucadia Blvd. at Carlsbad Blvd.	20 ppm	6.0	9 ppm	4.20

¹ As measured at a distance of 10 feet from the corner of the intersection predicting the highest value. Presented 1-hour CO concentrations include a background concentration of 5.8 ppm. Eight-hour concentrations are based on a persistence of 0.7 of the 1-hour concentration.

²The State 1-hour standard is 20 ppm. The Federal standard is 35 ppm. The most stringent standard is reflected in the Table.

³The State 8-hour and Federal 8-hour standard is 9 ppm.

Source: CALINE4 Dispersion Model

**Table 5.1-7
Existing General Plan and Proposed Project Land Use Designations¹**

Plan Area	Existing General Plan Designation		Plan Area	Proposed Land Use with Vision Plan	
	Land Use	Daily Trips			Daily Trips
A	T-R Travel Recreation Commercial RMH/T-R Residential Medium High or Travel/Recreation Commercial Travel Commercial	372 860	A	Hotel, Restaurant, & Conference Facility	2,150
B	RMH/T-R Residential Medium High or Travel/Recreation Commercial Travel/Recreation Commercial	732	B	Specialty Retail	240
C	Travel/Recreation Commercial RMH Residential Medium High	608 208	C	Hotel Units	2,160
D, F, G	Travel/Recreation Commercial NC Neighborhood Commercial RMH Residential Medium High	2,320 7,320 352	D	Apartments Live/work Units	144 72
E	T-R Travel/Recreation Commercial	1,160	E	Resort Hotel & Banquet Facilities	1,008 1,800
H	RMH Residential Medium High	176	F	Townhomes (Condos) Specialty Retail Restaurant/Retails	1,024 370 378
I	Travel/Recreation Commercial	1,300	G	Passive Park	15
			H	Hotel Specialty Retail Restaurant	530 480 800
			I	Specialty Retail	640
	Total Trips	15,408		Total Trips	15,161

1. Traffic data was based upon ADT counts per the Traffic Impact Analysis provided by RBF Consulting, October 2006.

5.2 BIOLOGICAL RESOURCES

This section describes existing biological conditions within the Ponto Area, identifies associated regulatory requirements, and evaluates potential impacts (including cumulative impacts). An environmental conditions report and a jurisdictional delineation report were prepared by RECON Environmental, Inc. (RECON; Appendices C-1 and C-2, respectively), based upon the following biological resource surveys performed in the study area in 2003: vegetation mapping, general botanical survey, and jurisdictional delineation fieldwork.

In ~~2006~~2007, HELIX Environmental Planning, Inc. (HELIX) prepared a Biological Technical Report based upon the following biological resource surveys conducted within the study area: verification of vegetation mapping, rare plant survey, and protocol coastal California gnatcatcher (*Poliophtila californica californica*) surveys; refer to Appendix C-3.

5.2.1 Existing Conditions

The study area considered in the biological analysis included the larger approximately 130-acre Ponto Beachfront Village Vision Plan Area to allow for consideration of project impacts on existing biological systems onsite, as well as on adjoining areas that may be affected by development of the Ponto Area. The biological study area currently supports residential/small-scale commercial uses, South Carlsbad State Beach (including campgrounds and parking facilities), Carlsbad Boulevard and other roadways, and undeveloped land. The inflow/outflow channel for Batiquitos Lagoon is located in the southern portion of the study area.

Regional Conservation Context

The study area lies within the North County Multiple Habitat Conservation Program (MHCP) Subregional Plan area. The MHCP Subregional Plan was adopted and certified by the San Diego Association of Governments Board of Directors on March 28, 2003. Each of the seven jurisdictions within the MHCP planning area (including the City of Carlsbad) are required to implement their respective portion of the MHCP via citywide subarea plans. On November 15, 2004, the City of Carlsbad's Habitat Management Plan for Natural Communities in the City of Carlsbad (City HMP; 2004) was approved, and state and federal permits were issued to allow implementation of the Plan.

Regulatory Issues

Biological resources within the study area are subject to regulatory review by the federal government, State of California, and City of Carlsbad. The federal government administers non-marine plant and wildlife issues through the U.S. Fish and Wildlife Service (USFWS), while wetlands and Waters of the U.S. issues are administered by the U.S. Army Corps of Engineers (Corps). California law relating to wetlands and wildlife issues is administered by the California Department of Fish and Game (CDFG).

Federal Government

Administered by the USFWS, the federal Endangered Species Act (ESA) provides the legal framework for the listing and protection of species (and their habitats) that are identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a "take" under the

ESA. Section 9(a) of the ESA defines take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” “Harm” and “harass” are further defined in federal regulations and case law to include actions that adversely impair or disrupt a listed species’ behavioral patterns.

Sections 4(d), 7 and 10(a) of the federal ESA regulate actions that could jeopardize endangered or threatened species. A special rule under Section 4(d) of the ESA was finalized which authorizes “take” of certain protected species under approved Natural Communities Conservation Programs (NCCPs), which are administered by the states. Section 7 describes a process of federal interagency consultation for use when federal actions may adversely affect listed species. A Section 7 consultation is required when there is a nexus between endangered species’ use of a site and impacts to Corps jurisdictional areas. Section 10(a) allows issuance of permits for incidental take of endangered or threatened species with preparation of a habitat conservation plan (HCP). The term “incidental” applies if the taking of a listed species is incidental to and not the purpose of an otherwise lawful activity. An HCP demonstrating how the taking would be minimized and how steps taken would ensure the species’ survival must be submitted for issuance of Section 10(a) permits. The City of Carlsbad met the requirements of the Section 10(a) with the approval and implementation of the City’s HMP and now has authorization from the resource agencies to issue take permits (as necessary) for proposed projects.

The USFWS identifies critical habitat for endangered and threatened species. Critical habitat is defined as areas of land that are considered necessary for endangered or threatened species to recover. The ultimate goal is to restore healthy populations of listed species within their native habitat so they can be removed from the list of threatened or endangered species. Once an area is designated as critical habitat pursuant to the federal ESA, all federal agencies must consult with the USFWS to ensure that any action they authorize, fund, or carry out is not likely to result in destruction or adverse modification of the critical habitat. No critical habitat occurs within the study area; however, critical habitat for San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and spreading navarretia (*Navarretia fossalis*) occurs approximately 300 feet northeast of the study area.

All migratory bird species that are native to the U.S. or its territories are protected under the federal Migratory Bird Treaty Act (MBTA), as amended under the Migratory Bird Treaty Reform Act of 2004 (FR Doc. 05-5127; USFWS 2004). The MBTA is generally protective of migratory birds but does not actually stipulate the type of protection required. In common practice, USFWS places restrictions on disturbances allowed near active raptor nests.

Federal wetland regulation (non-marine issues) is guided by the Rivers and Harbors Act of 1899 and the Clean Water Act. The Rivers and Harbors Act deals primarily with discharges into navigable waters, while the purpose of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of all Waters of the U.S. Permitting for projects filling Waters of the U.S. (including wetlands) is overseen by the Corps under Section 404 of the Clean Water Act. Projects could be permitted on an individual basis or be covered under one of several approved nationwide permits. Individual permits are assessed individually based on the type of action, amount of fill, etc. Individual permits typically require substantial time (often longer than six months) to review and approve, while nationwide permits are pre-approved if a project meets appropriate conditions. It is assumed

that (as applicable) development of the Ponto Area would require a Clean Water Act Section 404 nationwide permit from the Corps and a Clean Water Act Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB).

State of California

The California ESA is similar to the federal ESA in that it contains a process for listing of species and regulating potential impacts to listed species. Section 2081 of the California ESA authorizes the CDFG to enter into a memorandum of agreement for take of listed species for scientific, educational, or management purposes.

The Native Plant Protection Act (NPPA) enacted a process by which plants are listed as rare or endangered. The NPPA regulates collection, transport, and commerce in plants that are listed. The California ESA followed the NPPA and covers both plants and animals that are determined to be endangered or threatened with extinction. Plants listed as rare under the NPPA were also designated rare under the California ESA.

The California Fish and Game Code (Sections 1600 et seq.) requires an agreement with the CDFG for projects affecting riparian and wetland habitats through issuance of a Streambed Alteration Agreement. It is assumed that development (as applicable) of the Ponto Area would require a 1602 Agreement from the CDFG.

CEQA and its implementing guidelines (CEQA Guidelines) require discretionary projects with potentially significant effects (or impacts) on the environment to be submitted for environmental review. Mitigation for significant impacts to the environment is determined through the environmental review process, in accordance with existing laws and regulations.

Raptors (birds of prey) and active raptor nests are protected by California Fish and Game Code 3503, which states that it is "unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird" unless authorized (CDFG 1991).

City of Carlsbad

The NCCP Act (Section 2835) allows the CDFG to authorize take of species covered by plans in agreement with NCCP guidelines. An NCCP initiated by the State of California under Section 4(d) of the federal ESA focuses on conserving coastal sage scrub to avoid the need for future federal and state listing of coastal sage scrub-dependent species. The coastal California gnatcatcher is presently listed as threatened under the federal ESA, while several additional species inhabiting coastal sage scrub are candidates for federal and/or state listing. The MHCP and City's HMP (discussed above) meet the requirements under the NCCP and HCP processes.

A small portion of the study area is located within Focused Planning Area (FPA) Core 8, which includes Batiquitos Lagoon; refer to Figure 5.2-1. According to the City's HMP, Batiquitos Lagoon supports sensitive plant and animal species and is a critical foraging area for American peregrine falcon and California brown pelican. Core 8 provides linkage to other Core FPAs both within and outside the City. Batiquitos Lagoon is included in an existing Hardline Conservation Area. The Batiquitos Lagoon represents an important local and regional natural resource for the above reasons, and such conditions were taken into account in the EIR analysis and proposed mitigation measures to reduce potential impacts to this habitat.

The City's HMP includes unique conservation goals and standards which apply to specific parcels in certain areas of the City. The parcels are designated as "Standards Areas." The goals and standards are arranged in the HMP according to the Local Facility Management Zone (LFMZ) in which they occur. The Ponto Area is within LFMZ 9 and 22; refer to Figure 5.2-1. No Standards Areas exist within the City HMP for LFMZ 9 or 22.

In addition, the City's HMP establishes zone-level recommendations for each of the 25 LFMP zones. The zone-level recommendations for LFMP Zone 9 include: (1) monitor breeding populations of terns, plovers, and sparrows, and continue predator control where necessary; and (2) use fencing and signs, as necessary, to minimize human intrusion in or near nesting or roosting areas for HMP-covered species such as terns, pelicans, and rails. HMP management goals and guidelines for LFMP Zone 22 include: (1) manage vernal pool habitat to minimize adverse edge effects and maintain/enhance water quality of the pools; (2) stabilize sensitive species populations by removing impacts or potential impacts, including trampling, vehicular traffic, illegal dumping, collecting, and invasion of non-native plants; (3) use fencing and signs to restrict human intrusion and educate the public about vernal pool resources; (4) implement runoff or erosion control measures on adjacent properties, as necessary, to maintain appropriate amounts of water runoff into pool watersheds, while protecting water quality against potential pollutants; (5) monitor the status of preserved populations to ensure they remain viable.

According to the City's HMP, projects which conserve at least 67 percent of habitat onsite shall not be subject to offsite mitigation.

According to Chapter 21.203.040(B)(3), Coastal Resources Protection Overlay Zone, of the Carlsbad Municipal Code, the following policy applies to (1) areas west of existing Paseo del Norte, (2) west of Interstate 5, and (3) along El Camino Real immediately upstream of the existing storm drains:

All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Stormwater Ordinance, Standard Urban Stormwater Mitigation Plan, Jurisdictional Urban Runoff Management Plan master drainage plan and the San Diego County Hydrology Manual and any amendments to them. Such mitigation shall become an element of the project, and shall be installed prior to the initial plan and any amendments to them for the area between the project site and the lagoon (including the debris basin), as well as revegetation of graded areas immediately after grading; and a mechanism for permanent maintenance if the City declines to accept the responsibility. Construction of drainage improvements may be through formation of an assessment district, or through any similar arrangement that allocates costs among the various landowners in an equitable manner.

A "no net loss policy" has been established by the City's HMP for Diegan coastal sage scrub and other upland habitats. Mitigation for impacts to Diegan coastal sage scrub must include a creation component that achieves no net loss. In addition, the onsite preservation of sensitive upland habitats is not eligible for mitigation credit within the coastal zone. The City's HMP requires a 20 buffer for native upland habitats such as Diegan coastal sage scrub.

The City's HMP also requires buffers to be provided between all preserved habitat and development. The minimum buffer widths for habitats are as follows: 100 feet for wetlands (as defined in Section 7.6 of the City's HMP), 50 feet for riparian areas, and 20 feet for uplands (such as Diegan coastal sage scrub).

Vegetation Communities

Fourteen vegetation communities, as well as disturbed habitat and developed land, were identified within the study area and include: 0.98 acre of southern coastal salt marsh, 0.17 acre of riparian woodland, 0.91 acre of southern willow scrub, 0.19 acre of mule fat scrub, 2.21 acres of coastal and valley freshwater marsh, 1.30 acres of marine, 0.03 acre of mud flat, 0.11 acre of disturbed wetlands, 4.3 acres of southern coastal bluff scrub (including disturbed), 25.4 acres of beach/coastal dunes, 5.2 acres of Diegan coastal sage scrub (including disturbed), 0.2 acre of non-native grassland, 0.3 acre of eucalyptus woodland, 24.6 acres of disturbed habitat, 21.0 acres of non-native vegetation, and 43.4 acres developed acres. Descriptions of these communities are provided below, and their locations within the Ponto Area are shown graphically on Figure 5.2-2.

Southern Coastal Salt Marsh. Southern coastal salt marsh is a highly productive community composed of herbaceous and suffrutescent, salt-tolerant hydrophytes that form a dense cover of up to one meter tall. This plant community is found along sheltered inland margins of bays, lagoons, and estuaries where the hydric soils are subjected to regular tidal inundation by salt water (Holland 1986). Dominate species usually include alkali-heath (*Frankenia salina*), California sea-blite (*Suaeda californica*), and/or glasswort (*Salicornia* sp.) occurring along the upper, landward edges of the marshes; glasswort and beachwort (*Batis maritima*) at middle elevations; and Pacific cordgrass (*Spartina foliosa*) closest to open water. Two areas of southern coastal salt marsh occur in the study area. Both areas are in the median between southbound and northbound traffic lanes of Carlsbad Boulevard. Southern coastal salt marsh covers approximately 0.98 acre within the study area and consists of pickleweed (*Salicornia virginica*) and alkali-heath.

Riparian woodland. Riparian woodlands are often similarly composed of winter-deciduous trees that require water near the soil surface. Willow (*Salix* spp.), cottonwood (*Populus fremontii*), and western sycamore (*Platanus racemosa*) typically form a dense medium-height woodland in moist canyons and drainage bottoms. Associated understory species often include mule fat (*Baccharis salicifolia*), stinging nettle (*Urtica dioica* ssp. *holosericea*), and wild grape (*Vitis girdiana*). The differences between woodlands and forests are physiognomic rather than compositional. Woodlands have less canopy cover than forests, whose individual tree species canopies overlap so that a cover exceeding 100 percent may occur in the upper tree stratum, where woodlands may contain large canopy gaps in the same area. Woodlands may also have near total cover in the tree stratum but exist over a relatively small area. Within the study area, riparian woodland occurs in three small patches near the Least Tern Preserve and covers approximately 0.17 acre.

Southern willow scrub. Southern willow scrub consists of dense, broadleaved, winter-deciduous stands of trees dominated by shrubby willows in association with mule fat, and with scattered emergent cottonwoods and western sycamores. This vegetation community occurs on loose, sandy or fine gravelly alluvium deposited near stream channels during flood flows. Frequent flooding maintains this early seral community, preventing succession to a

riparian woodland or forest (Holland 1986). In the absence of periodic flooding, this early seral type would be succeeded by southern cottonwood or western sycamore riparian forest. Approximately 0.91 acre of southern willow scrub occurs within the southern portion of the study area adjacent to the parking lot.

Mule fat scrub. Mule fat scrub is a depauperate, tall, shrubby riparian scrub community dominated by mule fat and interspersed with small willows. This vegetation community occurs along intermittent stream channels with a fairly coarse substrate and moderate depth to the water table. This early seral community is maintained by frequent flooding, the absence of which would lead to a cottonwood- or sycamore-dominated riparian woodland or forest (Holland 1986). Although in some environments limited hydrology may favor the persistence of mule fat. Approximately 0.19 acre of mule fat scrub occurs within the southern portion of the study area adjacent to the parking lot.

Coastal and valley freshwater marsh. Coastal and valley freshwater marsh is dominated by perennial, emergent monocots which reach a height of 12-15 feet, often forming completely closed canopies. This vegetation community occurs along the coast and in coastal valleys near river mouths and around the margins of lakes and springs. These areas are permanently flooded by fresh water yet lack a significant current (Holland 1986). Characteristic species include cattails (*Typha* sp.), spike-sedge (*Eleocharis* sp.), rush (*Juncus* sp. and *Scirpus* sp.), and umbrella sedge (*Cyperus* sp.). Within the study area the dominant plants within this vegetation community include southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*), and California bulrush (*Scirpus californicus*). This vegetation community covers approximately 2.21 acres of the study area.

Marine. The area mapped as marine is unvegetated and consists of the channelized inflow/outflow for Batiquitos Lagoon. This habitat covers approximately 1.30 acres of the 130-acre study area.

Mudflat. A mudflat is a relatively level area of fine silt along a shore, as in a sheltered estuary or around an island, alternately covered and uncovered by the tide, and barren of vegetation. Approximately 0.03 acre of mudflat occurs within the study area.

Disturbed wetlands. Disturbed wetlands are dominated by exotic wetland species that invade areas that have been previously disturbed or undergone periodic disturbances. These invasive non-native plant species displace the native wetland flora. Characteristic species of disturbed wetlands include giant reed (*Arundo donax*), bristly ox-tongue (*Picris echioides*), cocklebur (*Xanthium strumarium* var. *canadense*), and tamarisk (*Tamarix* sp.). Disturbed wetlands occur within the southern portion of the study area and cover approximately 0.11 acre.

Southern coastal bluff scrub (including disturbed). Southern coastal bluff scrub is dominated by low scrub forming continuous (or more scattered) mats. Most plants are woody and/or succulent. Dwarf shrubs, herbaceous perennials, and annuals are represented, with the majority of growth and flowering occurring from late winter through spring. This vegetation community is exposed to nearly constant winds with high salt content and the soil is usually rocky and poorly developed. Within the study area, southern coastal bluff scrub (including disturbed) occurs along the bluffs above South Carlsbad State Beach and covers approximately 4.3 acres. Plant species within this vegetation community within the study area include beach evening primrose (*Camissonia cheiranthifolia* ssp. *cheiranthifolia*) and sea rocket (*Cakile maritima*).

Diegan coastal sage scrub (including disturbed). Coastal sage scrub is one of the two major shrub types that occur in southern California, occupying xeric sites characterized by shallow soils (the other is chaparral). Four distinct coastal sage scrub geographical associations (northern, central, Venturan, and Diegan) are recognized along the California coast. Despite the fact that it has been greatly reduced from its historical distribution (Oberbauer 1991), the Diegan association is the dominant coastal sage scrub in coastal Southern California from Los Angeles to Baja California, Mexico (Holland 1986). Diegan coastal sage scrub was listed as the third most extensive vegetation community in the County in 1965 (CDFG 1965). Oberbauer (1979) and Oberbauer and Vanderwier (1991) suggest that nearly 72 percent of the San Diego County's original sage scrub habitat has been destroyed or modified, primarily a result of urban expansion.

Diegan coastal sage scrub is dominated by subshrubs whose leaves abscise during drought and are replaced by a lesser amount of smaller leaves. This adaptation of drought evasion allows these species to better withstand the prolonged drought period in the summer and fall in areas of low precipitation. Coastal sage scrub occurs on a variety of soil types, both chemically and physically, from sandy lithosols on siliceous sandstone to clay-rich chernozems on volcanic ash. Water is less likely to penetrate to depth in clay soils than in siliceous soils. Clay soils generally lose more moisture through runoff, have lower infiltration rates, store more moisture in an equivalent depth of soil, and are likely to lose a greater proportion of moisture through capillary action and transpiration from shallow-rooted species than siliceous soils. Thus, in areas of relatively low precipitation, fine-textured soils are more likely to favor the success of shallow-rooted species rather than deep-rooted species (Kirkpatrick and Hutchinson 1980).

Within the study area, Diegan coastal sage scrub (including disturbed) covers approximately 5.2 acres and occurs in several areas, including but not limited to, the median of Carlsbad Boulevard, atop the bluff overlooking Batiquitos Lagoon, and adjacent to the parking lot in the southern portion of the study area. The dominant native plant species within the study area include California sagebrush, California encelia (*Encelia californica*), and California buckwheat. Disturbed Diegan coastal sage scrub also includes species such as scarlet pimpernel (*Anagallis arvensis*), smooth cat's-ear (*Hypochaeris glauca*), sour clover (*Melilotus indica*), and fountain grass (*Pennisetum setaceum*).

Beach/coastal dune. The beach community refers to the expanse of sandy substrate between mean tide and the foredune or, in the absence of a foredune, to the furthest inland reach of storm waves. The beach is characterized by a maritime climate, high exposure to salt spray and sand blast, and a shifting sandy substrate with low water-holding capacity and low organic matter content. Beach steepness, height, and width are affected by wave height, tidal range, sand grain size and supply. California's beaches tend to be relatively low and narrow. The lower half of the beach is relatively bare of plants, while the upper half is thinly vegetated with herbaceous perennials (Barbour and Johnson 1977). Beach vegetation exhibits a zonation of species from the tide line back to the foredune. In general, the number of species and total plant cover increases inland along this gradient. Species zonation is correlated with tolerance of salt spray, wave inundation, and soil salinity (Barbour and DeJong 1977). Common plant species within this vegetation community typically consist of sea rocket, beach evening primrose, beach-bur (*Ambrosia chamiossonis*), and beach morning-glory (*Calystegia soldanella*; Beauchamp 1986).

Active coastal dunes are barren, mobile sand accumulations whose size and shape are determined by abiotic site factors rather than by stabilizing vegetation. Dune size and shape varies with wind direction and speed, site topography, sand source, and grain size.

The western edge of the study area is bounded by the Pacific Ocean and also includes South Carlsbad State Beach. The beach is comprised mainly of sand with some plant species occurring on the fringe of the beach along the parking area and disturbed southern coastal bluff scrub. A portion of this area is periodically inundated with saltwater due to fluctuations of tidal flow. The dominant plant species on the vegetated fringe include crystalline ice plant (*Mesembryanthemum crystallinum*), beach-bur, sea rocket, beach evening primrose, and hottentot fig (*Carpobrotus edulis*). Beach/coastal dunes cover approximately 25.4 acres of the study area.

Non-native grassland. Non-native grassland is a dense to sparse cover of annual grasses, often associated with numerous species of showy-flowered native annual forbs. This association occurs on gradual slopes with deep, fine-textured, usually clay soils. Characteristic species include oats (*Avena* sp.), red brome (*Bromus rubens*), ripgut (*B. diandrus*), ryegrass (*Lolium* sp.), and mustard (*Brassica* sp.). Most of the annual introduced species that comprise the majority of species and biomass within the non-native grassland originated from the Mediterranean region, an area with a long history of agriculture and a climate similar to California. These two factors, in addition to intensive grazing and agricultural practices in conjunction with severe droughts, contributed to the successful invasion and establishment of these species and the replacement of native grasslands with an annual dominated non-native grassland (Jackson 1985). Within the study area, non-native grassland occurs in two small patches along Carlsbad Boulevard and covers approximately 0.2 acre.

Eucalyptus woodland. Eucalyptus woodland is dominated by eucalyptus (*Eucalyptus* sp.), an introduced species that has often been planted purposely for wind blocking, ornamental, and hardwood production purposes. Most groves are monotypic with the most common species being either the blue gum (*E. globulus*) or red gum (*E. camaldulensis*). The understory within well-established groves is usually very sparse due to the closed canopy and allelopathic nature of the abundant leaf and bark litter. If sufficient moisture is available, this species becomes naturalized and is able to reproduce and expand its range. The sparse understory offers only limited wildlife habitat; however, as wildlife habitat, these woodlands provide excellent nesting sites for a variety of raptors. During winter migrations, a large variety of warblers may be found feeding on the insects that are attracted to the eucalyptus flowers. This vegetation community occurs in three small areas in the northern portion of the study area and covers approximately 0.3 acre.

Non-native vegetation. Non-native vegetation is the name ascribed to cultivated plants that have become naturalized in native habitat areas or that are remnants of previously cultivated properties. Non-native vegetation within the study area consists of hottentot fig, golden wattle (*Acacia longifolia*), and Peruvian peppertree (*Schinus molle*). This vegetation community occurs throughout the study area and covers approximately 21.0 acres.

Disturbed Habitat. Disturbed habitat includes land that has been cleared of vegetation (e.g., dirt roads), or contains a preponderance of non-native plant species. Disturbed land occurs within the flat terrace on the eastern portion of the study area and within portions of the

Carlsbad Boulevard median. Dominant plant species within disturbed habitat within the study area include crown daisy (*Chrysanthemum coronarium*), telegraph weed (*Heterotheca grandiflora*), star thistle (*Centaurea melitensis*), and black mustard (*Brassica nigra*). Disturbed habitat covers approximately 24.6 acres of the study area.

Developed land. Developed land within the study area includes the South Carlsbad State Beach campground and parking facilities, an area consisting of light industrial and residential buildings, and Carlsbad Boulevard and other roads. Developed areas cover approximately 43.4 acres of the study area.

Jurisdictional Areas

Areas under Corps and CDFG jurisdiction occur within the study area. A jurisdictional delineation was conducted in 2003 and a report was prepared by RECON (2003b). HELIX updated the jurisdictional vegetation communities in 2006 to be consistent with the updated vegetation mapping; however, HELIX did not conduct further jurisdictional delineation fieldwork.

Corps Jurisdictional Areas. Corps jurisdictional areas total 6.01 acres within the study area, consisting of 4.60 acres of wetlands and 1.4 acres of non-wetland Waters of the U.S.; refer to Table 5.2-2 and Figure 5.2-3.

CDFG Jurisdictional Areas. CDFG jurisdictional areas total 6.08 acres within the study area, consisting of 4.60 acres of wetlands and 1.2 acres of non-wetland Waters of the U.S.; refer to Table 5.2-2 and Figure 5.2-4.

Wildlife Corridor

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and, facilitate the exchange of genetic traits between populations (Beier and Loe 1992). Wildlife movement corridors are considered to be sensitive by resource and conservation agencies.

Given that the study area is bounded by the Pacific Ocean on the west and development to the east and north, the majority of the study area does not function as a corridor that facilitates movement of wildlife from one location to another, particularly terrestrial species. To the south, however, Batiquitos Lagoon connects to the Pacific Ocean allowing for movement of aquatic species and for continual foraging habitat for those species dependent upon aquatic resources.

Sensitive Resources

Sensitive resources are those defined as (1) habitat areas or vegetation communities that are unique, of relatively limited distribution, or of particular value to wildlife; and (2) species that have been given special recognition by federal, state, or local government agencies and organizations due to limited, declining, or threatened populations.

Sensitive Vegetation Communities. The following vegetation communities within the study area are considered sensitive and/or are regulated by the USFWS, Corps, the CDFG, and/or

the HMP: southern coastal salt marsh, southern willow scrub, mule fat scrub, coastal and valley freshwater marsh, marine, mudflats, disturbed wetland, southern coastal bluff scrub (including disturbed), beach/coastal dunes, Diegan coastal sage scrub (including disturbed), non-native grassland, eucalyptus woodland, and disturbed habitat; refer to Figure 5.2-2 and Table 5.2-1.

Listed or Sensitive Plant Species Observed. No federal or State listed threatened or endangered plant species were observed within the study area. Four plant species listed as sensitive by CNPS, however, were observed by RECON (2003a): Nuttall's lotus, southwestern spiny rush, California boxthorn, and woolly seablite (*Suaeda taxifolia*). Three of these species (southwestern spiny rush, California boxthorn, and woolly seablite) also were observed by HELIX during surveys in 2006; refer to Appendix C-3:

- Nuttall's lotus (*Lotus nuttallianus*), CNPS List 1B.1;
- Southwestern spiny rush (*Juncus acutus*), CNPS List 4.2;
- California box thorn (*Lycium californicum*), CNPS List 4.2; and,
- Woolly seablite (*Suaeda taxifolia*), CNPS List 4.2.

Listed or sensitive plant species that were not observed within the study area but have potential to occur are listed in Table 5.2-3.

Listed or Sensitive Animal Species Observed. A total of eight sensitive animal species were observed within the study area or flying overhead by HELIX in 2006; refer to Appendix C-3.

- California least tern (*Sterna antillarum browni*), federal-listed endangered, state-listed endangered, California Fully Protected (CFP), and Carlsbad HMP-covered species;
- California brown pelican (*Pelecanus occidentalis californicus*), a federal-listed endangered, state-listed endangered, CFP, and Carlsbad HMP-covered species;
- American peregrine falcon (*Falco peregrinus*), a state-listed endangered, CFP, and Carlsbad HMP-covered species;
- Double-crested cormorant (*Phalacrocorax auritus*; rookery), a California Species of Special Concern (CSC) species;
- California horned lark (*Eremophila alpestris*), a CSC species;
- Coastal California gnatcatcher, a federal-listed threatened, CSC, and Carlsbad HMP-covered species;
- Loggerhead shrike (*Lanius ludovicianus*; nesting), a USFWS Bird of Conservation Concern and CSC species; and,
- Cooper's hawk (*Accipiter cooperii*; nesting), a CSC and Carlsbad HMP-covered species.

Additionally, listed or sensitive animal species that were not observed within the study area but have potential to occur are listed in Table 5.2-4.

5.2.2 Thresholds for Determining Significance

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. For purposes of evaluating impacts in this EIR, the proposed project would result in a significant impact if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or the USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFG or the USFWS;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors; or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or,
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state conservation plan.

5.2.3 Environmental Impact

Direct Impacts

Sensitive Vegetation Communities

Impact B-1 Implementation of the Vision Plan would result in direct impacts to 47.6 acres including: 0.04 acre of southern willow scrub, 0.1 acre of disturbed southern coastal bluff scrub, 1.2 acres of Diegan coastal sage scrub (including disturbed), 0.3 acre of eucalyptus woodland, 21.1 acres of disturbed habitat, 9.7 acres of non-native vegetation, and 15.2 acres of developed land; refer to Figure 5.2-5 and Table 5.2-5. According to the City's HMP, impacts to southern willow scrub, disturbed southern coastal bluff scrub, Diegan coastal sage scrub (including disturbed), eucalyptus woodland, and disturbed habitat would be significant and mitigation would be required. Impacts to non-native vegetation and developed land are not considered significant and mitigation is not required.

Sensitive Plant Species

Development of the Ponto Area would impact California boxthorn and woolly seablite; refer to Figure 5.2-5. These species are not listed by federal or State agencies as rare, endangered, threatened, or as being a CSC. Both plant species are designated as CNPS List 4.2, which is defined as a "watch list for species of limited distribution that are fairly endangered in California (20 to 80 percent occurrences threatened)." Given that (1) few individuals of these

species would be affected upon implementation of the proposed project, (2) these species occur in various locations within the study area that would not be affected by development of the site, and (3) the low sensitivity listing of the species, impacts to California boxthorn and woolly seablite would be adverse, but less than significant.

Sensitive Animal Species

Development of the Ponto Area would potentially impact California horned lark and loggerhead shrike; refer to Figure 5.2-5. Given that California horned lark and loggerhead shrike (1) are able to disperse through the site to other areas with appropriate habitat, and (2) adequate areas of habitat occur in the project vicinity, impacts to these avian species would be adverse, but less than significant. Direct impacts to the remaining six sensitive animal species (all avian species) are not anticipated.

In particular, no direct impacts to coastal California gnatcatcher are anticipated because the individual observed within the study area was outside the Ponto Area, and the Diegan coastal sage scrub closest to the observed location would not be directly affected by project development. In addition, this species likely traverses the southeastern portion of the study area in order to reach the preserved habitat within the finger canyon north of Batiquitos Lagoon and east of the railroad tracks. Although not impossible, it is unlikely that coastal California gnatcatchers use the small patches of Diegan coastal sage scrub within the Carlsbad Boulevard median or north of Avenida Encinas and west of Ponto Drive.

Jurisdictional Areas

Impact B-2 Development of the Ponto Area would significantly impact 0.15 acre of Corps jurisdictional areas including 0.04 acre of southern willow scrub and 0.11 acre of non-wetland Waters of the U.S.; refer to Figure 5.2-6 and Table 5.2-6.

The proposed project would also significantly impact 0.21 acre of CDFG jurisdictional areas including 0.04 acre of southern willow scrub and 0.17 acre of streambed; refer to Figure 5.2-7 and Table 5.2-6.

Wildlife Corridors

As previously stated, the majority of the study area does not function as a corridor that facilitates movement of wildlife from one location to another, particularly large mammals. Although a small portion of the study area occurs within FPA Core 8, no impacts to this core area would occur upon implementation of the proposed project.

Indirect Impacts

Water Quality

Water quality within Batiquitos Lagoon or the Pacific Ocean could be adversely affected by potential surface runoff and sedimentation during construction. The use of petroleum products (fuels, oils, lubricants) and erosion of cleared land during construction could potentially contaminate surface water. Decreased water quality can adversely affect vegetation, aquatic animals, and terrestrial wildlife that depend on the surface water.

During project construction, measures shall be implemented to control erosion, sedimentation, and pollution that could impact water resources on- and offsite. The applicant would be required to comply with the Clean Water Act Section 404 and 401 Permits, Section

4 of Chapter 7 of Volume 1 of the City's Engineering Standards (City 2004b), and Chapter 15.12, Storm Water Management and Discharge Control, of the City's Municipal Code (City 2006), which require erosion control measures. Prior to the commencement of grading, a Notice of Intent must be filed with the RWQCB for a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit. Specific permit requirements include implementation of an approved Storm Water Pollution Prevention Plan (SWPPP), which requires best management practices for erosion and sediment control related to construction activities. Standard measures that may apply to the proposed project include:

- Surface drainage (includes irrigation) shall be designed to collect and move runoff into adequately sized natural stream channels or drainage structures.
- Erosion control measures associated with the project shall include techniques for both long- and short-term erosion hazards pursuant to direction by a hydrologic or engineering consultant. These are likely to include such measures as the short-term use of sandbags, matting, mulches, berms, hay bales, or similar devices along all pertinent graded areas to minimize sediment transport. The exact design, location, and schedule of use for such devices shall be determined by a hydrologic or engineering consultant.
- Native vegetation shall be preserved whenever feasible, and all disturbed areas shall be reclaimed as soon as possible after completion of grading. Native topsoil shall be stockpiled and reapplied as part of the site revegetation whenever possible.
- Use of energy dissipating structures (e.g., detention ponds, riprap, or drop structures) as deemed necessary by a hydrologic or engineering consultant shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.
- A maintenance plan for temporary erosion control facilities shall be established. This will typically involve inspection, cleaning, and repair operations being conducted after runoff-producing rainfall.
- Removal and disposal of ground water (if any) encountered during construction activities shall be coordinated with the RWQCB to ensure proper disposal methods and locations under a General Dewatering Permit. This may involve specific measures such as removing excess sediment (through the use of desilting basins, etc.) and limiting discharge velocity.
- Specified fueling and maintenance procedures shall be designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants, and solvents). Such designations shall include specific measures to preclude spills including proper handling and disposal techniques.

Compliance with the above regulations and standards would be required; therefore, impacts to surface water quality would be less than significant.

Construction Noise

Impact B-3 Noise associated with development of the Ponto Area from such sources as grubbing, grading, and vehicular traffic would create a potentially significant impact on local wildlife. Noise-related impacts would be considered significant if sensitive species (such as

coastal California gnatcatcher, least tern, or raptors) were displaced from their nests and failed to breed. Birds nesting within any area impacted by noise exceeding 60 dB L_{eq} may be significantly impacted. Any construction activity within 500 feet of an active coastal California gnatcatcher, California least tern, or raptor nest would be considered significant.

Fugitive Dust

Construction dust could potentially disperse onto native vegetation. Effects on vegetation due to airborne dust could occur adjacent to construction. A continual cover of dust could reduce the overall vigor of individual plants by reducing their photosynthetic capabilities and increasing their susceptibility to pests or disease. This in turn could affect animals dependent on these plants (e.g., seed-eating rodents). Dust also could make plants unsuitable as habitat for insects and birds. Dispersal during project construction would be substantially controlled by standard measures such as multiple applications of water during grading between dozer/scrapper passes. Because active construction areas and unpaved surfaces would be watered to minimize dust generation, potential impacts on biological resources from fugitive dust would be less than significant.

Non-Native Plant Species

Non-native plant species introduced by disturbance during project grading and project landscaping could potentially colonize disturbed areas and spread into adjacent native habitats. Many non-native plants are highly invasive and can displace native vegetation, reducing native species diversity. An abundance of non-native species could potentially increase flammability and fire frequency, change ground and surface water levels, or adversely affect native wildlife that are dependent on the native plant species. Colonization of non-native plant species would not result in a significant impact; however, it should be noted that non-native plant colonization is already a significant issue within the study area.

Landscape plans will be prepared required for future individual development projects within the Ponto Area as part of the application and review process. Consistent with City of Carlsbad requirements, proposed landscape plans shall not include any species included in the California Invasive Plant Inventory prepared by the California Invasive Plant Council (Cal-IPC 2006), or in Table 12 of the City's HMP. In addition, the landscape plans Landscape Plans would be submitted to the City for approval, prior to issuance of any clearing or grading permit. Therefore, ~~significant~~ impacts as a result of colonization of non-native plant species are not considered to be significant.

Habitat Fragmentation/Edge Effects

Removal of existing native habitats within the study area could result in some habitat fragmentation and an increase in associated edge effects. Fragmentation is the breaking up of larger, contiguous parcels of habitat into smaller, discontinuous patches. Potential edge effects from such fragmentation could include the invasion of non-native plant species in what was unfragmented, native habitat and access by predators (native and non-native) to prey that would otherwise be protected in an unfragmented parcel of habitat. In addition, secondary extinctions through disruption of predator-prey, parasite-host, and plant-pollinator relations can occur (Soulé, ed. 1986). Edge effects can be particularly significant; for example, nest parasites such as the brown-headed cowbird (*Molothrus ater*) could expand their population and could be allowed easier access to bird nests. Given that the 130.4-acre

study area consists of 40.9 acres of native habitat (31.4 percent of the study area) in small patches scattered throughout the study area, habitat fragmentation/edge effects are already established. Therefore, implementation of the proposed project resulting from habitat fragmentation/edge effects would not be significant.

Domesticated Pets

Impact B-4 Future development of the Ponto Area has the potential to result in impacts to native wildlife from the increased presence of nuisance species and domesticated animals. Domestic animals (e.g., cats and dogs) could significantly impact native wildlife in the immediate area. Cats, especially, are known to hunt rodents and birds. In addition, commercial and residential uses may introduce Argentine ants (*Linepithema humile*) to local habitats, which could have significant consequences for native ant species and animals that feed on them. The introduction of nuisance or domesticated animal species into open space could be potentially significant.

Human Activity

Generally, increased human activity in an undeveloped area could result in degradation of sensitive vegetation by fragmenting habitat and forming additional edges through the creation of unauthorized roads or trails and by removing existing vegetation. In addition, illegal dumping of lawn and garden clippings, trash, or other refuse could occur. Given that the majority of the study area is developed or consists of beach or non-native vegetation communities, additional impacts to sensitive areas would not increase, and may in fact, be reduced. Permanent fencing would be provided along the top of slope overlooking Batiquitos Lagoon. No new or modified trails beyond existing pedestrian trails are proposed around the lagoon. In addition, preserved habitat would be posted with signs to preclude access and prohibit dumping. Residents and guests would be educated in access restrictions, sensitivity of habitats, and prevention of collecting species within the area through existing interpretive kiosks located at the lagoon. Therefore, impacts from human activity would not be significant.

Animal Behavioral Changes

Breeding birds and mammals may temporarily or permanently leave their territories to avoid construction activity, which could reduce reproductive success and increase mortality. Coastal California gnatcatchers, California least terns, and raptors were observed within the study area. The Least Tern Preserve is located immediately south of the study area within Batiquitos Lagoon. These three species are susceptible to disturbance from construction; however, little suitable habitat for these species occurs within the Ponto Area. Impacts to habitats of sensitive animal species would be fully mitigated pursuant to the City's HMP. In addition, construction activity would be temporary and would be required to meet the City's existing Construction Noise Standards. Based on these conditions, impacts on animals in the form of behavioral changes are not considered significant.

Roadkill

Roadkill could occur as vehicles travel on the internal roads associated with the Ponto Area. As previously stated, the study area is bounded by the Pacific Ocean on the west and development to the east and northeast. The majority of the study area does not function as a corridor. In addition, only three mammal species were observed

during surveys. In the southern portion of the Ponto Area, Batiquitos Lagoon connects to the Pacific Ocean allowing for movement of aquatic species and for continual foraging habitat for those species dependent upon aquatic resources. Therefore, roadkill impacts (primarily impacts to mammals) are anticipated to be adverse but not significant.

Night Lighting

Impact B-5 Night lighting on native habitats can provide nocturnal predators with an unnatural advantage over their prey. This may alter behavior patterns, and consequently result in a loss of species diversity. Night lighting could increase loss of native wildlife resulting in a that could be potentially significant impact, especially for any sensitive species that could occur within the study area.

Errant Construction Impacts

Impact B-6 Construction activities associated with development of the Ponto Area, as well as offsite improvements, would have the potential to result in errant impacts outside the construction limits. Any grubbing, clearing, grading, or other impacts that inadvertently occur outside the limits of construction in areas where sensitive habitat occurs would be considered significant.

Avian Predation

Potential indirect effects to the least tern could occur from increased predation from raptors. The development of tall structures and associated landscaping (e.g., palm trees) could provide additional perches for raptors resulting in an increased loss of least tern. It should be noted that plenty of perching locations already exist near the Preserve. Between 431 to 570 breeding pairs of least tern established 592 nests and produced 110 fledglings at Batiquitos Lagoon in 2004. Although the Preserve had an 83 percent hatching rate, mortality of 417 chicks led to the relatively low fledging rate. This mortality is believed to be a result of starvation. A predator manager was available throughout the breeding season. Predation appeared to be relatively low, with an unknown species of gull the only documented predator (Marschale 2005). Given the high number of perches available and the results of Marschale's 2005 study, development of tall structures adjacent to the Least Tern Preserve would be less than significant. It is recommended that the buildings and tall landscaping, as well as any additional utility lines (if aboveground) be located to the northern portion of the resort hotel designated parcel. Project design measures would include non-perching structures such as spikes or other anti-perching devices on tall structures within line-of-sight of the Least Tern Preserve (from a raptors perspective). Therefore, no significant impacts from avian predation would occur from the proposed project.

Avian Collisions

Potential indirect impacts to avian species could occur as a result of bird collisions with structures with reflective or transparent glass. According to the USFWS (2005), as many as one billion birds each year perish as a result of collisions with windows. Glass is invisible to birds, and if it reflects the images of trees, bushes, the sky, or other natural habitat, a bird may fly directly into it. Project design measures would include installation of non-reflective glass on windows on structures within the resort hotel area given the proximity of the project study area to the Least Tern Preserve. Therefore, no significant impacts from avian collisions would occur from the proposed project.

5.2.4 Mitigation Measures

The following mitigation measures are proposed to mitigate potential impacts on biological resources resulting from development of the Ponto Area.

Sensitive Vegetation Communities

Mitigation measures and ratios used below are based on the City's HMP. The proposed mitigation measures are based on the impacts of the project; refer to Tables 5.2-7 to 5.2-9. Given the nature of the study area (including approximately 1,600 linear feet of Carlsbad Boulevard, as well as a portion of South Carlsbad State Beach) mitigation would likely occur offsite within the preserve system of the City's HMP, rather than within the study area. Individual property owners would be responsible for mitigating impacts to biological resources specific to their development proposals.

- B-1a** Impacts to 0.04 acre of southern willow scrub shall be mitigated at a 3:1 ratio either through on- or offsite creation (1:1 ratio) and enhancement (2:1 ratio) or offsite acquisition (3:1 ratio) of 0.12 acre of southern willow scrub credit at a wetland mitigation bank. A If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of final map.
- B-1b** Impacts to 0.1 acre of southern coastal bluff scrub (including disturbed) shall be mitigated at a 3:1 ratio either through offsite-~~offsite~~ creation at a 1:1 ratio and enhancement (2:1 ratio) or acquisition of 0.3 acre of southern coastal bluff scrub at an approved mitigation bank. or other Group B habitat, as defined in the City's HMP, within the City's proposed preserve system. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of a final map.
- B-1c** Impacts to 1.2 acres of unoccupied Diegan coastal sage scrub (including disturbed) shall be mitigated at a 2:1 ratio through creation at a minimum 1:1 ratio (to meet the no net loss policy of Diegan coastal sage scrub within the coastal zone) and either creation or the offsite acquisition at a 1:1 ratio. of 2.4 acres within the City's proposed preserve system. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of a final map.
- B-1d** Impacts to 0.3 acre of eucalyptus woodland shall be mitigated with payment of a fee into the City's Habitat In Lieu Mitigation Fee fund, consistent with the City's fee schedule at the time of permit issuance. The City has adopted an In-lieu Mitigation Fee, consistent with Section E.6 of the Habitat Management Plan and City Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of vegetation and animal species. All development projects within the Ponto Area shall be required to pay the fee in order to be found consistent with the Habitat Management Plan and the Open Space and Conservation Element of the General

Plan. The fee shall be paid prior to recordation of a final map or issuance of a grading permit or building permit, whichever occurs first.

B-1e Impacts to 21.1 acres of disturbed habitat shall be mitigated with payment of a fee into the City's Habitat In Lieu Mitigation Fee fund, consistent with the City's fee schedule at the time of permit issuance. The City has adopted an In-lieu Mitigation Fee, consistent with Section E.6 of the Habitat Management Plan and City Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of vegetation and animal species. All development projects within the Ponto Area shall be required to pay the fee in order to be found consistent with the Habitat Management Plan and the Open Space and Conservation Element of the General Plan. The fee shall be paid prior to recordation of a final map or issuance of a grading permit or building permit, whichever occurs first.

B-1f If restoration for impacts to southern willow scrub, southern coastal bluff scrub, and/or Diegan coastal sage scrub occurs, the project applicant shall execute and record a biological conservation easement over habitat to be preserved in perpetuity for project-related mitigation. The easement shall be in favor of an agent approved by the USFWS and CDFG. Either the USFWS or CDFG shall be named as third party beneficiary. Further, the project applicant shall prepare and implement a perpetual management, maintenance, and monitoring plan for all biological conservation easements. The project applicant shall also provide a non-wasting endowment for an amount approved by the USFWS and CDFG (based on a cost estimation method) to secure the ongoing funding for the perpetual management, maintenance, and monitoring of biological conservation easement areas.

B-1g Project-specific development shall be required to comply with the provisions of Section 7-11 (Buffers and Fuel Management) and Section 7-12 (Grading and Landscaping Requirements) of the City's HMP.

Sensitive Plant Species

No significant impacts were identified. Therefore, no mitigation is required.

Sensitive Animal Species

No significant impacts were identified. Therefore, no mitigation is required.

Jurisdictional Areas

B-2a Impacts to 0.04 acre of Corps jurisdictional wetlands and 0.11 acre of non-wetland Waters of the U.S. shall be mitigated by the creation and/or enhancement of 0.23 acre of jurisdictional areas ~~on- or~~ offsite at 3:1 and 1:1 ratio, respectively, as determined by the resource agencies.

B-2b Impacts to 0.04 acre of CDFG jurisdictional wetlands and 0.17 acre of CDFG jurisdictional streambed shall be mitigated by the creation and/or enhancement of 0.29 acre of jurisdictional areas ~~on- or~~ offsite at 3:1 and 1:1 ratio, respectively, as determined by the resource agencies.

Wildlife Corridors

No significant impacts were identified. Therefore, no mitigation is required.

Surface Water Quality

No significant impacts were identified. Therefore, no mitigation is required.

Construction Noise

B-3a No grubbing, grading, or clearing within 500 feet of occupied Diegan coastal sage scrub during the coastal California gnatcatcher breeding season (March 1 through August 15) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing is proposed during the coastal California gnatcatcher breeding season, a pre-construction survey shall be conducted to determine if this species occurs within the areas impacted by noise (either within 500 feet or where noise is greater than 60 dB Leq or the ambient noise level). If there are no coastal California gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within this impact area, development shall be allowed to proceed. However, if coastal California gnatcatchers are observed nesting or displaying breeding/nesting behavior within the area, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after August 15; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB Leq, or the ambient noise level, in lieu of or in concert with a wall or other noise barrier.

B-3b No grubbing, grading, or clearing within 500 feet of the Least Tern Preserve during the Least Tern breeding season (April through September) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing is proposed during the Least Tern breeding season, a noise study shall be conducted to determine if construction noise would be greater than 60 dB Leq or the ambient noise level within the Least Tern Preserve. If the noise level within this impact area exceeds 60 dB Leq or the ambient noise level within the Least Tern Preserve, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after September 30; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq, or the ambient noise level. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB Leq, or the ambient noise level, in concert with a wall or other noise barrier.

B-3c No grubbing, grading, or clearing within 500 feet of ~~California least tern breeding season (April through August) or raptor nesting habitat (such as eucalyptus trees)~~ during the raptor breeding season (December through July) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing ~~would occur is proposed~~ during the ~~gnateatcher, least tern, and/or raptor~~ breeding season, a pre-construction survey shall be conducted to determine if ~~these species occur~~ raptors are nesting within the areas impacted by noise (either within 500 feet or where noise is greater than 60 dB Leq ~~or the ambient noise level~~). If there are no ~~gnateachers, least tern, or~~ raptors nesting (includes nest building or other breeding/nesting behavior) within this ~~designated~~ area, development

shall be allowed to proceed. However, if ~~any of these birds-raptors~~ are observed nesting or displaying breeding/nesting behavior within the area, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after ~~August~~ July 15; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB L_{eq} ~~or the ambient noise level~~. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB L_{eq} ~~or the ambient noise level~~, in lieu of or in concert with a wall or other noise barrier.

B-3d In order to ensure compliance with the MBTA, clearing of all vegetation shall occur outside of the breeding season of most avian species (February 15 through September 15). Grubbing, grading, or clearing during the breeding season of MBTA-covered species could occur if it is determined via a pre-construction survey that no nesting birds (or birds displaying breeding or nesting behavior) are present immediately prior to grubbing, grading, or clearing and would require approval of the City, USFWS, and CDFG that no breeding or nesting avian species are present in the vicinity of the grubbing, grading, or clearing.

Fugitive Dust

No significant impacts were identified. Therefore, no mitigation is required.

Non-Native Plant Species

No significant impacts were identified. Therefore, no mitigation is required.

Habitat Fragmentation/Edge Effects

No significant impacts were identified. Therefore, no mitigation is required.

Domesticated Pets

B-4 ~~Exotic animal control shall focus on both nuisance species and domestic pets. The property manager or~~ Each Homeowner's Association (HOA; for residential projects), property owners (for all non-residential projects), and the City of Carlsbad (for public spaces) shall be responsible for taking steps to prevent problems from nuisance animals and pets by an integrated program of education; signage; litter and refuse collection; prohibition against feeding wildlife, pest-proof refuse containers; pest eradication (as necessary), and coordination with CDFG and other habitat managers as necessary. ~~shall be conditioned to include measures in the Covenants, Codes and Restrictions (CC&R's) to promote tenant/resident education regarding the potential impacts of pets on wildlife through signage and newsletters. Persistent problems related to uncontrolled pets shall be reported to the San Diego County Animal Control. In addition, permanent fencing, approved by the USFWS and CDFG, shall be provided along the top of slope overlooking Batiquitos Lagoon to reduce intrusion into the lagoon by pets.~~

Human Activity

No significant impacts were identified. Therefore, no mitigation is required.

Animal Behavioral Changes

No significant impacts were identified. Therefore, no mitigation is required.

Roadkill

No significant impacts were identified. Therefore, no mitigation is required.

Night Lighting

- B-5** ~~Lighting~~ Outdoor lighting within the proposed project development proposed with development of lands adjacent to preserved habitat (i.e. Resort Hotel) shall be of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from preserved habitat. Outdoor lighting proposed with development plans for such lands shall be reviewed and approved by the City as part of the application review process to reduce potential impacts relative to light and glare.

Errant Construction

- B-6** During the construction period, limits of grading and clearing shall be clearly delineated with temporary fencing such as orange construction and silt fencing to ensure that construction activity remains within the defined limits of disturbance according to the grading plan. All temporary fencing shall be placed on the impact side of the interface. A qualified biologist shall inspect the fencing and shall monitor construction activities occurring adjacent to the construction limits to avoid unauthorized impacts. Unauthorized impacts shall be reported to the USFWS, CDFG, and City within 24 hours of occurrence and shall be mitigated at a 5:1 ratio. Temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction.

Avian Predation

No significant impacts were identified. Therefore, no mitigation is required.

Avian Collisions

No significant impacts were identified. Therefore, no mitigation is required.

5.2.5 Impact After Mitigation

Implementation of Mitigation Measure B-1 would reduce potential impacts related to Impact B-1, which involves impacts to sensitive vegetation communities. Mitigation Measure B-1 would reduce potential impacts by requiring that compensatory mitigation to be established before the prior to the time when impacts would occur (i.e. during grading). ~~takes place.~~ Impacts to wetland habitats require a 3:1 mitigation ratio for loss of habitat. Mitigation Measure B-1a ~~requires~~ would require that mitigation include either habitat creation and enhancement or acquisition to ensure there is no net loss of habitat. The City of Carlsbad and the Wildlife Agencies are required to approve the restoration plan to ensure the location, implementation, and monitoring would provide the greatest chances for success. Implementation of Mitigation Measure B-1a ~~reduce~~ would reduce potential impacts to wetland habitats to less than significant.

Mitigation Measures B-1b and B-1c would require that mitigation for the loss of coastal bluff scrub and Diegan coastal sage scrub to be implemented through the creation and enhancement or through acquisition of 0.3-acre of coastal bluff scrub and 2.4 acres of Diegan coastal sage scrub. ~~in the preserve system of the City's HMP.~~ This requirement ensures that a greater value of habitat will be preserved than what is impacted.

Implementation of this mitigation measure ensures that the appropriate amount of habitat type is protected within a larger block of habitat. ~~The contribution to the City's preserve system would help to create large blocks of habitat that will~~ enhance the long-term viability of the vegetation community. Potential impacts to sensitive upland vegetation communities would be reduced to less than significant.

Implementation of the proposed project would result in significant impacts to three sensitive vegetation communities (southern willow scrub, southern coastal bluff scrub [including disturbed], and Diegan coastal sage scrub [including disturbed]). In addition, implementation of the proposed project would impact two vegetation communities (eucalyptus woodland and disturbed habitat) that are not sensitive, but require mitigation pursuant to the City's HMP. Implementation of the proposed project would not directly impact sensitive plant or animal species. Development of the Ponto Area would significantly impact Corps and CDFG jurisdictional areas. Indirect impacts such as construction noise, domesticated pets, night lighting, and errant construction could also potentially cause significant impacts to sensitive biological resources, but would be reduced to less than significant with mitigation.

Mitigation measures for loss of habitat include acquisition and payment into the City's Habitat In Lieu Mitigation Fee fund at ratios consistent with those required by the City and applicable resource agencies. With implementation of the proposed mitigation measures B-1a to B-1g for significant impacts to sensitive biological resources, pursuant to Corps, CDFG and City regulations and requirements, ~~all proposed project-specific impacts would be mitigated to less than significant. Mitigation measures for loss of habitat include acquisition and payment into the City's Habitat In Lieu Mitigation Fee fund, at ratios consistent with those required by the City and applicable resource agencies. Significant impacts to jurisdictional areas would be mitigated by on- or offsite creation at a minimum 1:1 ratio and enhancement at a 2:1 ratio of wetland habitats.~~ Restriction of construction activities during the breeding season would reduce significant indirect impacts to sensitive species such as coastal California gnatcatcher, raptors, and California least tern to less than significant.

Implementation of Mitigation Measures B-2a and B-2b ~~reduces~~ would reduce potential impacts associated with Impact B-2, which involves impacts to ACOE and CDFG jurisdictional wetlands. ~~impacts. The wetland~~ Proposed mitigation will ~~would~~ reduce potential impacts to less than significant because it will preserve wetland habitat at an equal or greater ratio than what was impacted. ~~The mitigation for w~~ Wetland impacts would be mitigated through a ~~is a~~ combination of preservation, wetland creation, and/or enhancement of existing wetlands. This requirement ensures that an equal to or greater value of natural resources are preserved to compensate for the loss of sensitive habitat types. The creation and enhancement component of the mitigation ensures that the project will meet Federal, State, and County policies regarding "no net loss" of the wetland habitats. ~~The wetland mitigation area will be granted with a protective easement that will designate the area for permanent protection of wetland resources.~~ Therefore, potential impacts to ACOE and CDFG jurisdictional wetlands would be reduced to less than significant.

Implementation of Mitigation Measure B-3 ~~will~~ would ~~reduce the~~ reduce potential impacts associated with Impact B-3, which is the disturbance of sensitive bird species during the breeding season as a result of construction activity. These mitigation measures ~~will~~ would ~~reduce potential impacts to~~ on ~~California gnatcatcher, California least tern, or nesting raptors by requiring that, prior to construction~~ or grading activities, a qualified biologist determines

that no nesting birds have been identified within 500 feet of construction activities during the ~~period of February 15 to August 31~~breeding season. Implementation of ~~this~~the proposed mitigation ~~measure would ensure~~ensure that construction ~~activity~~activities would not disrupt the nesting activities of ~~nesting-sensitive avian species. birds.~~birds. Therefore, potential impacts to sensitive bird species as a result of construction noise would be reduced to less than significant.

Mitigation Measures B-4 through B-6 would reduce potential impacts associated with Impacts B-4 to B-6, which involve ~~from impacts resulting from~~ nuisance animal species, night lighting, and errant construction that would create indirect impacts as result of edge effects. Implementation of these mitigation measures would reduce potential edge effects by placing controls and restrictions on human activities that would contribute to potential edge effects. Mitigation Measure B-4 designates that a specific entity (HOA or City of Carlsbad) will be responsible for ~~each development area for~~ controlling access of domestic pets ~~to to~~ adjacent open space areas. Mitigation Measure B-5 ensures that light spillover into open space is minimized by requiring that lighting ~~lights to~~ be shielded and pointed away from ~~the~~ open space areas. Mitigation Measure B-6 reduces potential impacts to less than significant by ensuring that fencing is installed prior to grading activities to avoid unintended impacts to preserve areas. This mitigation measure would require that a monitor inspect the fences to ensure they are visible and in place. Therefore, potential impacts as a result of human activities would be reduced to less than significant.

**Table 5.2-1
Existing Vegetation Communities**

Vegetation Community	Acreage¹
Habitat Group A²	
Southern coastal salt marsh	0.98
Riparian woodland	0.17
Southern willow scrub	0.91
Mule fat scrub	0.19
Coastal and valley freshwater marsh	2.21
Marine	1.30
Mudflats	0.03
Disturbed wetland	0.11
Habitat Group B	
Southern coastal bluff scrub (including disturbed)	4.3
Beach/Coastal dunes	25.4
Habitat Group C	
Diegan coastal sage scrub (including disturbed)	5.2
Habitat Group E	
Non-native grassland	0.2
Habitat Group F	
Eucalyptus woodland	0.3
Disturbed habitat	24.6
Other	
Non-native vegetation	21.0
Developed	43.4
Total	130.4

¹Upland habitats are rounded to the nearest 0.1 acre, while wetland habitats are rounded to the nearest 0.01; thus, totals reflect rounding.

²Habitat Groups refer to MHCP habitat classification system.

**Table 5.2-2
Existing Jurisdictional Areas Within the Study Area**

VEGETATION COMMUNITY/HABITAT	CORPS	CDFG
<u>WETLANDS</u>		
Southern Coastal Salt Marsh	0.98	0.98
Riparian Woodland	0.17	0.17
Southern Willow Scrub	0.91	0.91
Mule Fat Scrub	0.19	0.19
Coastal and Valley Freshwater Marsh	2.21	2.21
Mudflats	0.03	0.03
Disturbed Wetland	0.11	0.11
Subtotal	4.60	4.60
<u>NON-WETLANDS</u>		
Marine	1.30	1.30
Drainage/Streambed	0.11	0.18
Subtotal	1.41	1.48
Total	6.01	6.08

Table 5.2-3
Sensitive Plant Species with Potential To Occur Within the Study Area

SPECIES	STATUS*	POTENTIAL TO OCCUR
Red sand-verbena <i>Abronia maritima</i>	--/-- CNPS List 4.2	Low. Grows below 300 feet on beach dunes. Blooms Feb. through Nov. Although suitable habitat occurs onsite, this species was not observed during the July 2006 rare plant survey.
California adolphia <i>Adolphia californica</i>	--/-- CNPS List 2.1	Low. Occurs in coastal sage scrub and chaparral along slopes near creeks and drainages. Project site supports only marginally suitable habitat. Would likely have been detected if present.
Shaw's agave <i>Agave shawii</i>	--/-- CNPS List 2.1	None. Occurs below 250 feet in coastal bluff scrub, coastal sage scrub, maritime succulent scrub. Blooms Sept. through May. Study area is outside the native range, which is generally restricted to the southern portion of the county.
San Diego ambrosia <i>Ambrosia pumila</i>	FE/-- CNPS List 1B.1	Very low. Found along creek beds and drainages, generally along periphery of riparian woodland (Reiser 2001). Nearest extant sighting is near Lake Hodges, approximately 9.4 miles to the east. Study area does not support suitable habitat.
Aphanisma <i>Aphanisma blitoides</i>	--/-- CNPS List 1B.2	Low. Occurs at elevations below 1,000 feet in coastal bluff scrub and coastal sage scrub with sandy soils. Blooms March through June. Reiser (2001) suggests that this species may be extirpated from the county.
Del Mar manzanita <i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>	FE/-- CNPS List 1B.1	Very low. Generally occurs in open coastal chaparral on eroded sandstone soils (Reiser 2001). Blooms December through April. Reported just north of Batiquitos Lagoon, approximately 1 mile east of the study area. This is a conspicuous shrub that would likely have been detected if present.
Coastal dunes milk-vetch <i>Astragalus tener</i> var. <i>titi</i>	FE/SE CNPS List 1B.1 CA Endemic	Very low. Occurs at elevations below 1,000 feet in coastal dunes, coastal bluff scrub, and mesic coastal prairie with sandy soils. Blooms March through May. Not observed during 2006 rare plant surveys, survey was conducted outside the blooming period. San Diego populations have not been relocated since 1970's.
Coulter's saltbush <i>Atriplex coulteri</i>	--/-- CNPS List 1B.2	Low. Occurs at elevations below 1,050 feet in coastal bluff scrub, coastal dunes, coastal sage scrub, and grasslands, with alkaline or clay soil. Blooms Mar. through Oct. Not observed during 2006 rare plant surveys. No suitable soils within the study area.
South coast salt-scale <i>Atriplex pacifica</i>	--/-- CNPS List 1B.2	Low. Occurs in coastal bluff scrub, coastal dunes, and coastal sage scrub below 500 feet. Blooms Mar. through Oct. Not observed during 2006 rare plant survey. Nearest reported observations are in Oceanside (CDFG 2006a).
Davidson's saltscale <i>Atriplex serenana</i> var. <i>davidsonii</i>	--/-- CNPS List 1B.2	Low. Found below 1,000 feet in coastal bluff scrub and coastal sage scrub on alkaline soils. Blooms April through Oct. Nearest reported observation is in Oceanside, approximately 9 miles to the north (CDFG 2006a).
Encinitas baccharis <i>Baccharis vanessae</i>	FT/SE CNPS List 1B.1 CA Endemic Carlsbad HMP Narrow Endemic	Very low. Occurs in maritime and mixed chaparral on sandstone soils below 2,500 feet. Blooms Aug. through Nov. Difficult to identify when not in flower. Known from fewer than 20 occurrences. No suitable habitat mapped within the study area.

Table 5.2-3 continued

SPECIES	STATUS*	POTENTIAL TO OCCUR
Thread-leaved brodiaea <i>Brodiaea filifolia</i>	FT/SE CNPS List 1B.1	Very low. Generally grows in moist grasslands and on the periphery of vernal pools. Blooms March to June. Reported north of Batiquitos Lagoon in the vicinity of El Camino Real, approximately 3 miles to the east. Suitable habitat does not occur within the study area.
Orcutt's brodiaea <i>Brodiaea orcuttii</i>	--/-- CNPS List 1B.1	Very low. Generally grows on gravelly loam soils in grasslands with mima mound topography and on the periphery of vernal pools (Reiser 2001). Blooms March to June. Nearest reported sightings are in the Olivenhain/Rancho Santa Fe area, at least 4 miles to the east. Suitable habitat does not occur within the study area.
Seaside calandrinia <i>Calandrinia maritima</i>	--/-- CNPS List 4.2	Low. Found in coastal bluff scrub, coastal sage scrub, and grassland below 5,000 feet. Blooms Feb. through Aug. Reiser (2001) reports a population north of the terminus of Swallowtail Road, Encinitas, approximately 1.5 miles east-southeast of the project site. Would likely have been detected within the study area if present.
Lewis's evening-primrose <i>Camissonia lewisii</i>	--/-- CNPS List 3	Low to moderate. Found on sandy or clay soils below 1,000 feet in coastal bluff scrub, cismontane woodland, coastal dunes, coastal sage scrub, and grasslands. Blooms March through July. Reiser (2001) reports a population on sandstone west of the Palomar Airport runway, approximately 1.5 miles northeast of the project site. Not observed during 2006 rare plant survey.
Wart-stemmed ceanothus <i>Ceanothus verrucosus</i>	--/-- CNPS List 2.2	Very low. Typically found in southern maritime chaparral, which does not occur within the study area. A large population is reported on the hills approximately 1 mile east of the study area north of Batiquitos Lagoon. Would likely have been detected if present.
Orcutt's pincushion <i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>	--/-- CNPS List 1B.1	Low. Occurs below 350 feet in coastal bluff scrub, sandy, and coastal dunes. Blooms Jan. through Aug. Not observed during survey. Not observed during 2006 rare plant surveys although suitable habitat occurs within the study area.
Orcutt's spineflower <i>Chorizanthe orcuttiana</i>	FE/SE CNPS List 1B.1	Low. Found in coastal chamise chaparral openings with loose sandy substrate (Reiser 2001). Nearest presumed extant population is near Encinitas Boulevard approximately 4.5 miles to the southeast (CDFG 2006a). No chaparral mapped the within area; habitat is only marginally suitable.
Long-spined spineflower <i>Chorizanthe polygonoides</i> var. <i>longispina</i>	--/-- CNPS List 1B.2	None. Typically found on clay lenses and on the periphery of vernal pools. Appropriate habitat does not occur within the study area.
Summer holly <i>Comarostaphylis diversifolia</i> ssp. <i>diversifolia</i>	--/-- CNPS List 1B.2	Very low. Found on mesic north-facing slopes in southern mixed chaparral. Suitable habitat does not occur within the study area. Would have been observed during surveys if present.
Salt marsh bird's-beak <i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	FE/SE CNPS List 1B.2	Very low. Found below 100 feet in coastal dunes, coastal salt marshes and swamps. Blooms May through Oct. Not observed during 2006 rare plant survey. Both known populations occur in the southern portion of the county (Reiser 2001).

Table 5.2-3 continued

SPECIES	STATUS*	POTENTIAL TO OCCUR
Sea dahlia <i>Coreopsis maritima</i>	--/-- CNPS List 2.2	Low to moderate. Occurs below 500 feet in coastal bluff scrub and coastal sage scrub. Blooms March through May. Reported just south of Batiquitos Lagoon, approximately 0.9 miles to the southeast (CDFG 2006a). Not observed during 2006 rare plant survey.
San Diego sand-aster <i>Corethrogyne filaginifolia</i> var. <i>incana</i>	--/-- CNPS List 1B.1	Low to moderate. Occurs in coastal bluff scrub and coastal chaparral. Blooms from July to Sept. Nearest reported population is on the hills south of Batiquitos Lagoon, west of Saxony Road, approximately 1 mile to the southeast (CDFG 2006a).
Blochman's dudleya <i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	--/-- CNPS List 1B.1 Carlsbad HMP Narrow Endemic	Low. Occurs on clay/serpentine soils below 1,500 feet in coastal sage scrub, coastal bluff scrub, chaparral, and grasslands. Blooms April through June. Known from fewer than 20 occurrences in California and fewer than 5 in Baja California. Although it was not observed during 2006 rare plant survey, the CNDDDB reports a population just north of Palomar Airport, approximately 2.4 miles to the northeast (CDFG 2006a).
San Diego button-celery <i>Eryngium aristulatum</i> var. <i>parishii</i>	FE/SE CNPS List 1B.1	Very low. Found in vernal pool communities and vernal moist areas with mimosa mount topography. Reported in vernal pools just east of the railroad tracks approximately 0.4 mile north of the project site (CDFG 2006a). No vernal pools occur within the study area.
Cliff spurge <i>Euphorbia misera</i>	--/-- CNPS List 2.2 Carlsbad HMP Covered	Low to moderate. Occurs below 2,000 feet in coastal sage scrub, maritime succulent scrub, and coastal bluff scrub. Blooms Dec. through Aug. Not observed during 2006 rare plant survey. Nearest reported sighting is north of Agua Hedionda Lagoon, approximately 3.4 miles to the north (CDFG 2006a).
San Diego barrel cactus <i>Ferocactus viridescens</i>	--/-- CNPS List 2.1 Carlsbad HMP Covered	Very low. Occurs below 1,500 feet in chaparral, coastal sage scrub, grassland, and in the vicinity of vernal pools. Blooms May through June. Would have been observed if present.
Palmer's frankenia <i>Frankenia palmeri</i>	--/-- CNPS List 2.1	None. Typically found along the periphery of coastal salt marsh; blooms May through July; elevation below 30 feet. The only confirmed population in the U.S. is in Chula Vista (Reiser 2001).
Orcutt's hazardia <i>Hazardia orcuttii</i>	FC/ST CNPS List 1B.1	Very low. Occurs in open chaparral, especially chamise chaparral. Blooms from August to October. Recorded on east of Lux Canyon, approximately 5 miles to the southeast. Habitat within the study area is unsuitable to support this species.
San Diego marsh-elder <i>Iva hayesiana</i>	--/-- CNPS List 2.2	Very low. Occurs in riparian habitat along creeks and intermittent streambeds, usually with alluvial soils. Reported in the Batiquitos Lagoon Ecological Reserve to the south and southeast of the study area. Would likely have been detected if present.
Coulter's goldfields <i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	--/-- CNPS List 1B.1	Low to moderate. Found below 4,000 feet in coastal salt marshes and vernal pools (Reiser 2001). Blooms Feb. through June; elevation less than 4,000 feet. Although not observed during 2006 rare plant survey, the CNDDDB reports a population in Batiquitos Lagoon to the south (CDFG 2006a).

Table 5.2-3 continued

SPECIES	STATUS*	POTENTIAL TO OCCUR
Del Mar Mesa sand aster <i>Lessingia filaginifolia</i> var. <i>linifolia</i>	--/-- CNPS List 1B.1 CA Endemic Carlsbad HMP Narrow Endemic	Low. Occurs on sandy soils below 500 feet in coastal bluff scrub, as well as openings in southern maritime chaparral and coastal sage scrub. Blooms May through Sept. Not observed during 2006 rare plant survey and not reported to the CNDDDB in the project vicinity (CDFG 2006a).
Dunedelion <i>Malacothrix incana</i>	--/-- CNPS List 4.3 CA Endemic	None. Typically found below 100 feet in elevation in coastal dunes and coastal sage scrub. Blooms April through Aug. Species believed to be extirpated from San Diego County.
Little mousetail <i>Myosurus minimus</i> ssp. <i>apus</i>	--/-- CNPS List 3.1	Very low. Occurs in vernal pool communities. Reported in pools approximately 0.4 mile north of the project site (CDFG 2006a). No vernal pools occur within the study area.
Spreading navarretia <i>Navarretia fossalis</i>	FT/-- CNPS List 1B.1	Very low. Occurs in vernal pool communities, which do not occur onsite. Reported in pools approximately 0.4 miles north of the study area.
Coast woolly-heads <i>Nemacaulis denudata</i> var. <i>denudata</i>	--/-- CNPS List 1B.2	Low. Occurs below 300 feet in coastal dune communities, particularly in the more protected back dunes (Reiser 2001). Blooms April through Sept. Habitat within the study area is only marginally suitable.
Slender woolly-heads <i>Nemacaulis denudata</i> var. <i>gracilis</i>	--/-- CNPS List 2.2	None. Occurs between 170 and 1,300 feet on well-developed sand dunes, both along the coast and in the deserts. Study area below the elevation range of this species. Blooms March through May. No suitable habitat occurs within the study area.
California Orcutt grass (<i>Orcuttia californica</i>)	FE/SE CNPS List 1B.1	Very low. Occurs in vernal pool communities, which do not occur onsite. Reported in pools approximately 0.4 miles north of the study area.
Short-lobed broomrape <i>Orobancha parishii</i> ssp. <i>brachyloba</i>	--/-- CNPS List 4.2	Low. Occurs on sandy soils below 1,000 feet in coastal bluff scrub and coastal dunes. Blooms April through October. Nearest reported population believed extirpated by residential development in Lux Canyon (Reiser 2001).
Brand's phacelia <i>Phacelia stellaris</i>	FC/-- CNPS List 1B.1	Low. Found below 1,300 feet in coastal scrub and coastal dunes. Blooms March through June. All San Diego County records for this species are in south county. Not observed during 2006 rare plant survey.
Nuttall's scrub oak <i>Quercus dumosa</i>	--/-- CNPS List 1B.1	Very low. Generally found in coastal chaparral, especially on mesic north-facing slopes (Reiser 2001). Blooms in February and March. Reported on hills north of Batiquitos Lagoon, approximately 2 miles east of the study area. Would likely have been detected if present.
Estuary suaeda <i>Suaeda esteroa</i>	--/-- CNPS List 1B.2	Low to moderate. Occurs near sea level in coastal salt marshes and swamps. Blooms May through Oct. Reported in 1986 in the San Marcos Creek estuary upstream from Batiquitos Lagoon (CDFG 2006a). Not observed during 2006 rare plant survey.
Triquetrella <i>Triquetrella californica</i>	--/-- CNPS List 1B.2	Very low. Occurs below 350 feet in coastal bluff scrub and coastal sage scrub. Known in California from fewer than 10 small coastal occurrences, only one of which is in San Diego.

Table 5.2-4
Sensitive Animal Species with Potential To Occur Within the Study Area

SPECIES	STATUS*	POTENTIAL TO OCCUR
Invertebrates		
Saltmarsh skipper <i>Panoquina errans</i>	--/-- Carlsbad HMP Covered	Salt marshes. Host plant <i>Distichlis spicata</i> . Adult emergence July through September. Suitable habitat and host plant present; known to occur in Batiquitos Lagoon; high potential to occur within study area.
San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>)	FE/--Carlsbad HMP Narrow Endemic	<u>Low. Occurs in seasonally astatic pools that occur in tectonic swales or earth slump basins and other areas of shallow standing water, often in patches of grassland and agriculture interspersed in coastal sage scrub and chaparral. Poinsettia Lane vernal pools preserved north of the project study area supports this species. Species unlikely to occur on site due to the lack of appropriate habitat (ponding water).</u>
Riverside fairy shrimp (<i>Streptocephalus woottoni</i>)	FE/--Carlsbad HMP Narrow Endemic	<u>Low. Occurs in vernal pools and other ephemeral pools of at least 6 to 12 inches deep. Poinsettia Lane vernal pools preserved north of the project study area supports this species. Species unlikely to occur on site due to the lack of appropriate habitat (pools of appropriate depth).</u>
Vertebrates		
Reptiles and Amphibians		
Belding's orange-throated whiptail <i>Cnemidophorus hyperythrus beldingi</i>	--/CSC Carlsbad HMP Covered	Moderate. Chaparral, coastal sage scrub with coarse sandy soils and scattered brush. Suitable habitat present.
Southwestern pond turtle <i>Clemmys marmorata pallida</i>	--/CSC	Low. Ponds, small lakes, marshes, slow-moving, sometimes brackish water. Marginal habitat present.
Birds		
American white pelican (nesting colony) <i>Pelecanus erythrorhynchos</i>	--/CSC	Lagoons, bays, estuaries, freshwater ponds; inland lakes during spring migration. Migrant and winter visitor. Winter foraging expected. Species observed flying overhead, however, no nesting colony occurs within the study area. Not expected to nest within study area.
Great blue heron (rookery site) <i>Ardea herodias</i>	--/--	Bays, lagoons, ponds, lakes. Non-breeding year-round visitor, some localized breeding. HELIX observed individuals within the study area, however, no rookeries present. Not expected to nest within study area.
Great egret (rookery site) <i>Ardea alba egretta</i>	--/--	Lagoons, bays, estuaries. Ponds and lakes in the coastal lowland. Winter visitor, uncommon in summer. No rookeries present; not expected to nest within study area.

Table 5.2-4 continued

SPECIES	STATUS*	POTENTIAL TO OCCUR
Western least bittern <i>Ixobrychus exilis hesperis</i>	--/CSC	Brackish and freshwater marshes in the coastal lowland. Rare summer resident, very rare in winter. Marginal habitat present; low potential to occur.
Black-crowned night heron (rookery site) <i>Nycticorax nycticorax</i>	--/--	Lagoons, estuaries, bayshores, ponds, and lakes. Often roost in trees. Year-round visitor. Localized breeding. No rookeries within the study area; not expected to nest within study area.
White-faced ibis (rookery site) <i>Plegadis child</i>	--/CSC Carlsbad HMP Covered	Freshwater ponds, irrigated fields, brackish lagoons. Migrant and winter visitor, rare in summer. Very localized breeding. Major population known in Batiquitos Lagoon; though recent breeding not recorded. Not expected to nest within the study area; but suitable foraging habitat present.
Osprey (nesting) <i>Pandion haliaetus</i>	--/CSC Carlsbad HMP Covered	Coast, lowland lakes, rarely foothills and mountain lakes. Uncommon fall/winter resident, rare in spring and summer. Fish are the primary prey item. Not expected to nest within the study area; but suitable foraging habitat present. HELIX observed this species sitting on an electrical pole within Batiquitos Lagoon.
Cooper's hawk (nesting) <i>Accipiter cooperii</i>	--/CSC Carlsbad HMP Covered	Mature forest, open woodlands, wood edges, river groves. Parks and residential areas. Year-round resident. No suitable nesting habitat present; not expected to nest within the study area. Suitable foraging habitat present. HELIX observed this species flying overhead within the study area.
Light-footed clapper rail <i>Rallus longirostris levipes</i>	FE/ SE CFP Carlsbad HMP Covered	Salt marshes supporting <i>Spanina foliosa</i> . Localized resident. Known to occur in nearby coastal lagoons and Batiquitos Lagoon is identified as a critical habitat area. <i>Spartina foliosa</i> not observed during the survey and this species has a low potential to occur within the study area.
Western snowy plover (nesting; coastal population) <i>Charadrius alexandrinus nivosus</i>	FT and BCC/CSC Carlsbad HMP Covered	Sandy beaches, lagoon margins, tidal mud flats. Migrant and winter visitor. Localized breeding. Most numerous during fall migration. Known to occur in Batiquitos Lagoon; marginal habitat present within study area; low potential to occur.
Long-billed curlew (breeding) <i>Numenius americanus</i>	BCC/CSC	Tidal mud flats, salt marshes, bays. Fall and spring migrant, winter visitor, rare and localized in summer. Primarily a migratory species. Not expected to nest within study area.
Caspian tern (nesting colony) <i>Sterna caspia</i>	BCC/CSC	Bays, estuaries, lagoons; freshwater ponds and lakes in coastal lowlands. Resident. Localized breeding at the south end of San Diego Bay. Marginal habitat present within study area; not expected to nest. Potential to nest in adjacent areas.

Table 5.2-4 continued

SPECIES	STATUS*	POTENTIAL TO OCCUR
Elegant tern (nesting colony) <i>Sterna elegans</i>	BCC/CSC Carlsbad HMP Covered	Mud flats, sandbars, dunes, bays, lagoons. Summer resident at the nesting colony at the south end of San Diego Bay. Otherwise, common migrant and abundant during late summer. Marginal habitat present within study area; but no nesting colony known from Batiquitos Lagoon. Not expected to nest within the study area.
Forster's tern (nesting colony) <i>Sterna forsteri</i>	--/--	Bays, estuaries, lagoons, shoreline. Abundant resident with breeding colony at the south end of San Diego Bay. Marginal habitat present within study area; not expected to nest. Potential to nest in adjacent areas.
California least tern (nesting colony) <i>Sterna antillarum browtti</i>	FE/SE Fully protected Carlsbad HMP Covered	Bays, estuaries, lagoons, shoreline. Nest colonially along the coast. Migrant and very localized summer resident. Marginal habitat present within study area; not expected to nest. Known to nest in adjacent areas.
Burrowing owl (burrow sites) <i>Athene cunicularia</i>	BCC/CSC Carlsbad HMP Covered	Grassland, agricultural land, coastal dunes. Require rodent burrows. Declining resident. Moderately suitable habitat present within study area; low to moderate potential to occur. Known from north side of Batiquitos Lagoon.
Vaux's swift <i>Chaetura vauxi</i>	--/CSC	All habitat types of San Diego County during migration. Expected to fly over study area during spring and fall migration.
Belding's savannah sparrow <i>Passerculus sandwichensis beldingi</i>	--/SE Carlsbad HMP Covered	Salt marshes, lagoons dominated by pickleweed (<i>Salicornia virginica</i>). Common but localized resident. Large population known from Batiquitos Lagoon. Moderate to high potential for species to be present within the salt marshes in the study area.
Large-billed savannah sparrow <i>Passerculus sandwichensis rostratus</i>	--/CSC Carlsbad HMP Covered	Not observed; Batiquitos Lagoon salt marsh habitat has been identified as critical for this species; study area supports only a small amount of potential habitat; low to moderate potential for species to occur within study area.
Tricolored blackbird <i>Agelaius tricolor</i>	BCC/CSC	Freshwater marshes, agricultural areas, lakeshores, parks. Localized resident often seen among flocks of red-winged blackbirds. Suitable habitat present; moderate potential to occur.
Mammals		
Dulzura pocket mouse <i>Chaetodipus californicus femoralis</i>	--/CSC	Low. Typically found in chaparral, especially where it intergrades with grasslands. Habitat onsite only marginally suitable. The nearest observation recorded on the CNDDDB is south of Palomar Airport Road, between El Camino Real and Interstate 5, approximately 2 miles to the northeast (CDFG 2006a).
Northwestern San Diego pocket mouse	--/CSC	Low to moderate. Occurs in open coastal sage scrub, particularly in open, weedy areas with sandy substrates.

Table 5.2-4 continued

SPECIES	STATUS*	POTENTIAL TO OCCUR
<i>Chaetodipus fallax fallax</i>		Habitat onsite is marginally suitable, although reported sightings are not along the beach. Nearest reported observations are just north of San Elijo Lagoon, approximately 5.5 miles to the southeast (CDFG 2006a).
Mexican long-tongued bat <i>Choeronycteris mexicana</i>	--/CSC	Low. Occurs in scrublands and forests, especially canyons with riparian vegetation. Roosts in mines, caves, and buildings. Only sporadically reported through of San Diego County, including one observation in Encinitas (CDFG 2006a).
Stephens' kangaroo rat <i>Dipodomys stephensi</i>	FE/ST	Low. Typically occurs in grasslands and open coastal sage scrub. Nearest presumed extant observation was made in 1988 near Guajome Lake (CDFG 2006a)
San Diego black-tailed jackrabbit <i>Lepus californicus bennettii</i>	--/CSC	Moderate. Occurs primarily in open sage scrub, chaparral, grasslands, croplands, and disturbed habitat with at least some shrub cover present. The project site supports abundant suitable habitat. The nearest observation recorded on the CNDDDB is south of Palomar Airport Road, between El Camino Real and Interstate 5, approximately 2 miles to the northeast (CDFG 2006a).
San Diego desert woodrat <i>Neotoma lepida intermedia</i>	--/CSC	Low to moderate. Occurs in open chaparral and coastal sage scrub, often building large, stick nests in rock outcrops or around clumps of cactus or yucca. Marginally suitable habitat occurs onsite, although nesting sites are rare.
Pacific pocket mouse <i>Perognathus longimembris pacificus</i>	FE/CSC	Low. Occurs in coastal strand, coastal dunes, river alluvium, and coastal sage scrub growing on marine terraces. Generally found in areas with fine-grained, sandy or gravelly substrates. Reported on the east side of Lux Canyon, approximately 5 miles south of the project site (CDFG 2006a).

*Refer to Appendix C for a listing and explanation of status and sensitivity codes

** Species coverage under the Carlsbad HMP contingent on funding for management of conserved areas

**Table 5.2-5
Impacts to Vegetation Communities**

VEGETATION COMMUNITY/HABITAT	ACREAGE	
	EXISTING	IMPACT
Habitat Group A¹		
Southern Coastal Salt Marsh	0.98	--
Riparian Woodland	0.17	--
Southern Willow Scrub	0.91	0.04
Mule Fat Scrub	0.19	--
Coastal and Valley Freshwater Marsh	2.21	--
Marine	1.30	--
Mudflats	0.03	--
Disturbed Wetland	0.11	--
Habitat Group B		
Southern coastal bluff scrub (including disturbed)	4.3	0.1
Beach/Coastal Dunes	25.4	--
Habitat Group C		
Diegan coastal sage scrub (including disturbed)	5.2	1.2
Habitat Group E		
Non-native Grassland	0.2	--
Habitat Group F		
Eucalyptus Woodland	0.3	0.3
Disturbed Habitat	24.6	21.1
Other		
Non-native Vegetation	21.0	9.7
Developed	43.4	15.2
Total	130.4	47.6

¹Habitat Groups refer to MHCP habitat classification system.

**Table 5.2-6
Impacts to Jurisdictional Areas**

Vegetation Community/Habitat	Acreage	
	Corps	CDFG
Wetlands		
Southern Coastal Salt Marsh	--	--
Riparian Woodland	--	--
Southern Willow Scrub	0.04	0.04
Mule Fat Scrub	--	--
Coastal and Valley Freshwater Marsh	--	--
Mudflats	--	--
Disturbed Wetland	--	--
Subtotal	0.04	0.04
Non-Wetlands		
Marine	--	--
Drainage/Streambed	0.11	0.17
Subtotal	0.11	0.17
Total	0.15	0.21

Table 5.2-7
Mitigation Summary for Impacts to Vegetation Communities

Vegetation Community/Habitat	Acreage		Mitigation Ratio	Mitigation Required
	Existing	Impact		
Habitat Group A ¹				
Southern willow scrub	0.91	0.04	3:1	0.12
Habitat Group B				
Southern coastal bluff scrub (including disturbed)	4.3	0.1	3:1 ²	0.3 ²
Habitat Group C				
Diegan coastal sage scrub (including disturbed) - occupied	5.2	1.2	2:1 ³	2.4 ³
Habitat Group F				
Eucalyptus woodland	0.3	0.3	4	4
Disturbed habitat	24.6	21.1	4	4
Other				
Non-native vegetation	21.0	9.7	--	--
Developed	43.4	15.2	--	--
Total	130.4	47.6	--	2.82

¹Habitat Groups refer to MHCP habitat classification system.

²It is assumed that all habitat types in Group B will be included in the proposed preserve system.

³Maximum avoidance and onsite conservation of Group C habitat is encouraged.

⁴Habitat in this group which is not conserved or mitigated onsite shall pay a per acre in lieu mitigation fee in an amount to be determined by the City Council. According to the Addendum to the City's HMP (December 1999, pg 10) in lieu mitigation fees are \$8,000 for unoccupied Diegan coastal sage scrub, and chaparral (Group D), \$4,000 for grassland (Group E), and \$800 for eucalyptus woodland and disturbed habitat.

Table 5.2-8
Mitigation Summary for Impacts to Corps Jurisdiction Areas

Vegetation Community/Habitat	Existing	Impact	Mitigation Ratio	Mitigation Required
Wetlands				
Southern willow scrub	0.91	0.04	3:1	0.12
Non-wetlands				
Drainage	0.11	0.11	1:1	0.11
Total	1.02	0.15	--	0.23

Table 5.2-9
Mitigation Summary for Impacts to CDFG Jurisdiction Areas

Vegetation Community/Habitat	Existing	Impact	Mitigation Ratio	Mitigation Required
Wetlands				
Southern willow scrub	0.91	0.04	3:1	0.12
Non-wetlands				
Streambed	0.18	0.17	1:1	0.17
Total	1.09	0.21	--	0.29

**Figure 5.2-1
City of Carlsbad HMP Designations**

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**Figure 5.2-2
Vegetation - Sensitive Resources**

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**Figure 5.2-3
Corps Jurisdictional Areas**

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**Figure 5.2-4
CDFG Jurisdictional Areas**

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**Figure 5.2-5
Vegetation and Sensitive Resources - Impacts**

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**Figure 5.2-6
Corps Jurisdictional Areas - Impacts**

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**Figure 5.2-7
CDFG Jurisdictional Areas -Impacts**

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5.3 CULTURAL RESOURCES

The following cultural resources analysis is based on the *Archaeological Survey* for the Ponto Beachfront Village site, prepared by Brian F. Smith and Associates (BFSA) in July 2006. The technical report and additional survey results are included in Appendix D-1 of this EIR. A *Cultural Resource Constraints Study* of the Ponto Area was previously prepared by RECON in June 2003, and was reviewed by BFSA prior to preparation of the July 2006 analysis; refer to Appendix D-2.

5.3.1 Existing Conditions

5.3.1.1 Project Setting

Cultural Setting

The cultures identified in the general vicinity of the Ponto Area consist of the possible Paleo-Indian manifestation of the San Dieguito Complex, the Encinitas Tradition and Milling Stone Horizon represented by the La Jolla Complex, and the Late Prehistoric Luiseno culture. A brief discussion of the cultural elements in the Ponto Area is provided in Appendix D-1 of this EIR.

Paleontological Setting

The Ponto Area is considered to be largely disturbed; however, paleontological resource maps prepared by the San Diego Museum of Natural History indicate that the proposed site is in an area (Del Mar Formation) that may contain fossil remains. Project grading will require the movement of soils onsite as development of the Ponto Area occurs over time. As such, paleontological resources that may exist onsite below surface level, may potentially be disturbed by future development.

In addition, the region surrounding the Ponto Area may also contain important fossil remains; however, much of the land that surrounds the property is developed, with exception of the Batiquitos Lagoon to the south and the Pacific Ocean to the west. Surrounding land uses are largely residential, and as such, much of the area surrounding the project has been previously disturbed.

Environmental Setting

San Diego County lies within the Peninsular Range Geologic Province of southern California. The mountainous zone, which extends from northwest to southeast through the County, ranges from sea level to a maximum elevation of approximately 6,533 feet above mean sea level (amsl). The closest mountains within this range are the San Marcos Mountains, which are the locations of lithic material sources that were likely procured by occupants of the region for use in tool manufacture.

The Ponto Area has been previously disturbed by former agricultural activities and various improvements and developments, including construction of the San Diego Northern Railroad, light-industrial structures, residential structures, drainage channels, and roadways. The plant community onsite is dominated by disturbed grasses and herbaceous annuals.

5.3.1.2 Investigation Methodology

Records Search Results

An archaeological records search was conducted for the project by the SCIC and at SDSU on April 27, 2006. In addition to providing site locations and previous archaeological investigations, the following historic sources were consulted:

- Historic Address Database;
- 1948 USGS Encinitas, California topographical map (1:24,000);
- 1898 and 1942 USGS Oceanside, California topographic maps (1:62,500); and,
- Map Showing Roads and Trails in Use from 1769-1885: San Diego County, California (1955).

The archaeological records search showed that two known sites, SDI-11,206 and SDI-17,403, are located within the 50-acre area to be developed; however, it was determined that SDI-17,403 refers to the same site as SDI-11,206. SCIC files indicate that both sites were situated in the same location and are associated with an older Museum of Man site number designation, W-84.

Site SDI-11,026 includes W-84 and W-88, both of which were subjected to a data recovery program in 1985, exhausting further research (Smith and Moriarty 1985a). Therefore, no further archaeological analysis of the site is required. For the current project, only W-84 lies within the boundary of the area proposed for development. The site was determined to be an Early Holocene/Middle Holocene transition site associated with the Early Archaic cultural horizon. Artifacts recovered included lithic production waste, precision tools, ground stone tools, and percussion tools. Ecofacts recovered included marine shell. Excavations of the site revealed that the site had been disturbed by agricultural activities and the construction of the railroad line.

Sixteen cultural sites were identified within a one-mile radius of the site. The majority of these sites represent the prehistoric occupation of the Batiquitos Lagoon area, which typically includes shell scatters reflecting the heavy utilization of local marine resources. Historically, the area has been agricultural in nature.

Previous research in the Batiquitos Lagoon area has included 46 archaeological studies within a one-mile radius of the Ponto Area. The most recent survey to include the Ponto Area was the survey conducted by RECON in 2003, during which Site SDI-11,026 was relocated and testing was recommended to determine the significance of the site.

Survey Results

A pedestrian survey of the 50-acre Ponto Area was conducted by BFSa on June 12, 2006. The majority of the Ponto Area was easily accessible and contained poor to excellent visibility, depending on the degree of development and vegetation cover. As noted above, the site has been previously disturbed by former agricultural and railroad construction activities. The survey area included the small cluster of single-family homes and commercial businesses, some of which were known to be historic in nature. Although access to the interior of several of these ownerships was denied by the corresponding landowners,

structures within these properties were visible. As the site has been previously disturbed, the survey was focused on investigating the significance of the architecture or integrity of possible historic structures and any prehistoric resources identified on the property. The survey determined that none of the onsite structures were of historic significance.

In addition, the previously-identified site, SDI-11,206, was relocated during the site investigation. The site was observed as a light to moderate marine shell scatter. No other ecofacts or artifacts were observed, as artifacts were likely collected during previous investigations, and the site has previously been disturbed.

Native American Consultation

A records search request of the Native American Heritage Commission (NAHC) Sacred Land Files was conducted for cultural resources within or adjacent to the Ponto Area. Review of the NAHC did not identify any known resources within the project boundaries. A list was provided by the BAHC identifying additional Native American contacts that may have additional information on cultural resources within the Ponto Area. A map and additional information on the proposed project were forwarded to each Native American contact on the list; the Cupa Cultural Center of the Pala Band of Mission Indians provided the only response, stating that they were unaware of any resources within the Ponto Area. Correspondence with the NAHC is provided in Appendix III of Appendix D-1.

5.3.2 Thresholds for Determining Significance

The following thresholds of significance were taken from Appendix G of the CEQA Guidelines. For purposes of this EIR, a significant impact relating to cultural or paleontological resources would occur if the proposed project would:

- Cause a substantial adverse change in the significance of a historical resource as identified in Section 15064.5 of the CEQA Guidelines;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines;
- Disturb any human remains, including those interred outside of formal cemeteries;
- Cause direct or indirect impacts to significant onsite paleontological resources as identified by a paleontological monitor; or,
- Result in grading, clearing, and/or construction that results in damage to or loss of significant paleontological resources that contribute to the local or regional cultural environment.

City of Carlsbad Cultural Resource Guidelines

According to the City of Carlsbad Cultural Resource Guidelines, a cultural resource is considered significant when it:

- Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history;
- Is identified with persons or events significant in local, state, or national history;

- Embodies distinctive characteristics of a style, type, period, or method of construction, is a valuable example of the use of indigenous materials or craftsmanship, or is representative of a notable work of an acclaimed builder, designer, or architect;
- Is an archaeological, palenontological, botanical, geographical, topographical, ecological, or geographical site which has the potential of yielding information of scientific value; or,
- Is a geographically definable area possessing concentration of sites, buildings, structures, improvements, or objects linked historically through location, design, setting, materials, workmanship, feeling, and/or association, in which the collective value of the improvements may be greater than the value of each individual improvement.

5.3.3 Environmental Impact

5.3.3.1 Historical Resources

The 2006 site investigation determined that none of the structures located within the Ponto Area, including those within the inaccessible parcels, were significant. Therefore, no additional historic research or evaluation is recommended for the proposed project. As development of the Ponto Area would not cause a substantial adverse change in the significance of a historical resource as identified in Section 15064.5 of the CEQA Guidelines, potential impacts to historic resources would be less than significant.

5.3.3.2 Archaeological Resources

As noted previously, the 2006 site survey resulted in the relocation of Site SDI-11,026. Site 11,026 is an Archaic Period campsite located along the southern edge of the Ponto Area. The site was observed as a light to moderate marine shell scatter. During the 2003 survey conducted by RECON, the site was rediscovered and testing was recommended to determine significance. Based on these studies, the research potential of the site has been exhausted and is therefore not considered to be significant based on the significance thresholds. However, because only a portion of the site was excavated, it is possible that significant subsurface features or deposits are still present. No other ecofacts or artifacts were observed, and no prehistoric resources were identified within the area proposed for development.

Impact CR-1 Although the current investigation did not identify any significant resources within the Ponto Area, the presence of a previously mitigated site, the results of the archaeological records search, and known historical use of the Carlsbad area indicate that there is a high potential for buried cultural deposits. Due to the presence of prehistoric resources within the Ponto Area and the high density of known archaeological sites within the Batiquitos Lagoon area, there exists a strong possibility of encountering subsurface features or deposits during grading or construction activities. In addition, as the site is within close proximity of archaeological sites with burial contexts, the potential to disturb additional prehistoric burials exists.

Therefore, impacts may occur during the grading and construction phases on undiscovered archaeological resources. As the project may result in disturbance to human remains, which

includes those interred outside of formal cemeteries, potential impacts would be considered significant and mitigation would be required. It is feasible that intact deposits, features, or human remains may be discovered during grading or construction activities and would require identification and evaluation of any such resources.

In addition, the Vision Plan includes the realignment of Carlsbad Boulevard adjacent to the west of the proposed development area. Similar to potential onsite impacts, required grading and construction activities associated with realignment of the roadway may also result in disturbance to undiscovered archaeological resources or human remains. This would be considered a significant impact and mitigation would be required.

5.3.3.3 Paleontological Resources

Short Term Impacts

Onsite

Impact CR-2 With development of the Ponto Area, the site would be permanently modified. Implementation of the Vision Plan would involve grading for building pads and installation of utilities onsite. Project construction would disrupt soils across the property and would include operation of construction equipment, storage of construction debris, and truck traffic. Impacts to significant paleontological resources identified onsite during project grading or construction would be considered significant. However, construction impacts would be short-term and would cease upon project completion. As much of the site has been previously disturbed, the potential for significant artifacts to be uncovered if surface collection were to occur is considered to be low.

However, significant paleontological resources may be uncovered at a greater depth as grading occurs onsite. Impacts to such resources from project grading would be considered significant if such resources were uncovered during grading activities and prevention of damage to or loss of such resources was not undertaken at the time of encounter. Mitigation is therefore proposed to prevent potential impacts to such resources, should they be uncovered during development of the property.

Offsite

Offsite activity resulting from project implementation would largely be limited to improvements required to improve Carlsbad Boulevard and for utility improvements. Potential project-related impacts to offsite paleontological resources are considered less than significant, particularly since no such resources have been identified to date in areas that would be affected by development of the project. As such, project-related disturbance to offsite areas from proposed improvements is not anticipated to result in significant impacts to paleontological resources. However, mitigation is proposed to prevent potential impacts to such resources, should they be uncovered during project development.

Long-Term Impacts

No significant long-term impacts to paleontological resources resulting from project implementation are anticipated. Potential impacts to such resources will be controlled during short-term grading activities onsite to ensure that significant resources are identified and

protected as necessary. Soil disruption onsite would cease upon completion of project grading. Therefore, no long-term significant impacts to cultural resources will result from the project implementation.

5.3.4 Mitigation Measures

5.3.4.1 Historical Resources

No significant impacts to historical resources were identified. Therefore, no mitigation measures are proposed.

5.3.4.2 Archaeological Resources

Development of the Ponto Area could potentially result in significant impacts to undiscovered archaeological resources during the grading and construction phases. To reduce impacts to less than significant, the following mitigation measure is proposed:

Data Recovery Program

CR-1 Prior to issuance of any Grading Permits or approval of improvement plans, the applicant shall:

- A. Implement a Data Recovery Program, in compliance with the City of Carlsbad's Cultural Resource Guidelines Criteria and Methodology, to mitigate potential impacts to undiscovered buried archaeological or paleontological resources on properties located within the Ponto Area to the satisfaction of the Planning Director. This program shall include, but shall not be limited to, the following actions:
 1. Provide evidence to the Planning Department that a qualified archaeologist and/or archaeological monitor has been contracted to implement a grading, trenching, brushing monitoring and data recovery program to the satisfaction of the Planning Director. A copy of the contract as well as a letter from the applicant and the archaeologist and/or archaeological monitor shall be submitted to the Planning Director. The contract shall include the following guidelines:
 - a. The consulting archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program.
 - b. The consulting archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - c. The consulting archaeologist shall monitor all areas identified for development.
 - d. An adequate number of monitors (archaeological/historical/paleontological/ Native American) shall be present to ensure that all earth-moving activities are observed and shall be onsite during all grading activities.
 - e. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor shall be onsite full-time to perform full-time monitoring as determined by the ~~Principle~~Principal Investigator of the excavations. The frequency of inspections will depend on

the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features.

- f. Isolated and clearly non-significant deposits will be minimally documented in the field and the monitored grading can proceed.
- g. In the event that previously unidentified, potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the City at the time of discovery. The archaeologist, in consultation with the City, shall determine the significance of the discovered resources. The City must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the City, then carried out using professional archaeological methods.
- h. If any human bones are discovered, the ~~Principle~~Principal Investigator shall contact the City Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.
- i. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s)/~~Principle~~Principal Investigator shall determine the amount of material to be recovered for an adequate sample for analysis.
- j. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program and all previous archaeological studies shall be processed and curated according to current professional repository standards. The collections and associated records shall be transferred, including release of title, to be permanently curated at a qualified repository as defined by the "State of California Guidelines for the Curation of Archaeological Collections." The affected landowner shall agree to pay such fees as required for curation that are in effect for the selected repository at the time of curation. Evidence must be provided to the satisfaction of the Planning Director and that all fees have been paid. All curation activities shall be completed within six months of project completion.
- k. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Planning Director prior to the issuance of any building permits.

1. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Planning Director by the consulting archaeologist that the grading monitoring activities have been completed.

5.3.4.3 Paleontological Resources

Although no paleontological resources have been identified for the project to date, the following measures are proposed to mitigate potential impacts to such resources to a level that is less than significant:

Short Term

CR-2 Prior to issuance of grading permits and approval of improvement plans pursuant to approval of any map, the applicant shall retain a qualified paleontologist to monitor the site during grading. The applicant shall provide evidence to the satisfaction of the Planning Director of contracting with a paleontologist through a letter prepared by the paleontologist that states he/she has been retained by the applicant. The paleontologist shall attend all pre-grading meetings to consult with grading contractors.

A paleontological monitor shall be present onsite during all grading operations to evaluate the presence of fossils. The paleontologist shall have the authority to direct, divert, or halt any grading activity until such time that the sensitivity of the resource can be determined and the appropriate mitigation implemented.

Prior to approval of the Final Map, the applicant shall furnish documentary evidence to the satisfaction of the Planning Director that prepared fossils, along with copies of field notes, photos, and maps, have been deposited in a scientific institution, such as the San Diego Natural History Museum.

Long Term

No mitigation measures are proposed for potential long-term impacts to paleontological resources. As stated, potential impacts to such resources are short-term and will cease upon completion of project grading. Mitigation proposed for short-term impacts will ensure that such resources, if identified onsite during grading, will be identified and preserved for the long-term. Therefore, no mitigation measures are proposed, and long-term impacts to such resources are considered to be less than significant.

5.3.5 Impact After Mitigation

The proposed project could potentially result in a significant impact which would result from impacts to undiscovered archaeological resources potentially associated with SDI-11,026 and other areas within the proposed development area, based on the known presence of prehistoric resources within the project boundaries and the high density of known archaeological sites in the Batiquitos Lagoon area. Potential impacts to cultural resources would be reduced to less than significant because, prior to the issuance of any grading permits, a data recovery program for cultural resources would be implemented for construction areas. Qualified archaeological and paleontological monitors would be required to be present onsite during grading activities. The monitors would be responsible for identifying, testing and the proper curation of any sensitive cultural or paleontological

resources discovered during the grading process. Implementation of Mitigation Measures CR-1 and CR-2 would reduce potential impacts to unknown significant archaeological or paleontological resources to less than significant.

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5.4 HAZARDS AND HAZARDOUS MATERIALS

The Ponto Area is subject to evaluation for onsite conditions that may represent hazards with respect to human health and safety. The following analysis is based on the Phase I Environmental Site Assessment (ESA) prepared by RBF Consulting in July 2006 to evaluate the potential presence of hazardous materials and the expected nature of the materials that may be within the Ponto Area or that may have entered the site from offsite sources; refer to Appendix E.

The scope of the Phase I ESA follows guidance provided in American Standards for Testing and Materials (ASTM) Standard Practice E 1527-00. The ASTM 1527-00 document outlines a procedure for completing ESAs that includes a review of records (historic aerial photographs, city directories, Sanborn Fire Insurance Rate Maps, report review), site reconnaissance, and interviews where possible. Subsurface exploration, geologic mapping, laboratory testing of soil or water samples, lead and asbestos sampling, and operations/inventory review of adjacent uses were not performed.

As defined in ASTM Standard Practice E 1527-00, a Recognized Environmental Concern (REC) is "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property." The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include "de minimis" conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be "de minimis" are not RECs. The ESA is intended to identify such REC's that would potentially affect the Ponto Area.

A "*historic recognized environmental condition*" (HREC) is defined as a condition which in the past would have been considered a REC, but which may or may not be considered a REC currently. HRECs are generally conditions which have in the past been remediated to the satisfaction of the responsible regulatory agency.

5.4.1 Existing Conditions

Onsite roadways include Avenida Encinas (improved roadway; traversing the central portion of the Ponto Area in an east/west direction), Ponto Drive (improved roadway; traversing the site in a north/south direction), and an unnamed roadway (unimproved; traversing the site in a north/south direction). Onsite topography is gently sloping and is approximately 30 to 70 feet amsl and slopes to the southwest. No onsite pits, ponds, or lagoons were noted during a topographical map review.

Approximately 24 structures exist in the Ponto Area and include approximately eleven onsite addresses. Structures range from one- to two-story structures in varying degrees of condition. Structures appear to have been constructed of metal, wood, and stucco. Some of the metal structures appear to be rusting.

Onsite uses include multiple light industrial uses (including a wood and sheet metal shop, an auto service/storage yard, wood chipping, a salvage yard, heating and air conditioning

manufacturer), commercial uses (dog and cat kennel, storage facility, and an upholstery and antique store), residential uses, and vacant land. Multiple storage areas containing miscellaneous metal debris, plastics, piping, and various solvents, paints, oils, and lubricants were noted throughout the site. Historical uses within the Ponto Area included, but were not limited to, metal shops, paint shops, antique repair, and mirror reconditioning facilities, dipping and stripping operations of materials, auto repair, metal fabrications, agricultural activities, and the San Diego Northern Railroad (SDNR).

The direction of groundwater flow onsite is expected to be generally in a southwesterly direction. According to the Environmental Data Resources (EDR) Database search, no water wells are located within the boundaries of the subject site. Depth to ground water is reported at approximately 50 feet below ground surface (bgs).

The ESA determined through a review of historical aerial photographs, among other sources, that the Ponto Area historically supported agricultural uses during the 1950's and 1960's. As such, the uses of pesticides or other similar substances may have been utilized on the site.

5.4.1.1 Visual Site Survey

RBF performed a site visit on July 5, 2006 consisting of a visual examination of the subject site for evidence of potential environmental concerns. The Ponto Area was inspected for existing or potential soil and groundwater contamination (as evidenced by soil or pavement staining or discoloration); stressed vegetation; indications of waste dumping or burial; pits, ponds, or lagoons; containers of hazardous substances or petroleum products; electrical and hydraulic equipment that may contain Polychlorinated Biphenyls (PCB)s, such as electrical transformers and hydraulic hoists; and, underground and aboveground storage tanks.

5.4.1.2 Hazardous Materials

The presence of hazardous materials in the Ponto Area that may have been generated from adjacent properties was not visible during the July 5, 2006 site inspection. However, as the Ponto Area presently supports a number of residential, commercial, and light industrial type uses, the potential for hazardous materials to be present onsite (or historically present onsite) is moderate. Such materials may be stored for use in containers or aboveground or underground storage tanks, utilized in operation or production, or physically present due to age of structures or former uses. The following describes hazardous materials identified onsite in the ESA.

Above Ground Storage Tanks (ASTs) and Underground Storage Tanks (USTs)

During the July 2006 site visit, plastic above ground storage tanks (ASTs), 5-gallon plastic containers, paints, solvents, cleaners, and oils were observed within the automobile repair/storage facilities. These ASTs were not visibly investigated for their content.

Available public records were reviewed on May 11, 2006 to determine the past or present existence of above ground storage tanks and underground storage tanks (USTs) on or near the Ponto Area. Two regulatory sites were reported within the boundaries of the Ponto Area. The regulatory sites were listed as the following:

- **Ratan Ram S. (7204 Ponto Drive):** This property was listed within the CHMIRS, San Diego Co. HMMD, and SWEEPS UST regulatory databases; refer to Appendix

A of Appendix E for a detailed description of each regulatory database. The address 7204 Ponto Drive reported a release of unknown material on a vacant lot on June 29, 1988, with the incident reported to have been completed on June 29, 1988. This site is also a reported inactive HMMD facility. Seven reported USTs containing gasoline, diesel, and waste were removed. No violations were reported within the HMMD database. No contamination was reported in association with the removed onsite USTs. ~~Although USTs were reported to have been removed, no official removal/closure letter was obtained.~~ A letter verifying removal for the USTs was prepared on December 12, 1988, stating that there was no indication of soil or groundwater contamination at this date.

- **Coast Waste Management Inc. (7204 Ponto Drive):** This property was listed within the RCRA-SQG, FINDS, and HIST UST regulatory databases. The address 7204 Ponto Drive is reported to be a small quantity generator. No violations were reported. Six historical USTs onsite are reported to have contained diesel and waste oil. This regulatory site was also reported in the FINDS database. No contamination was reported. ~~Although USTs were reported to have been removed, no official removal/closure letter was obtained.~~

In addition, the County of San Diego Department of Health (DEH) maintains records for the address 7204 Ponto Drive (APNs 214-160-10, -11, -20, and -21; historically the Coast Waste Management facility). Records maintained for 7204 Ponto Drive were searched by RBF and included an application to remove five steel USTs (ranging in capacity from 1,000 to 8,000 gallons) containing an unknown material and two 550-gallon USTs. The current property owner did not use these USTs and was not aware of their presence. After removal on December 9~~12~~, 1988, of the five USTs found to contain gasoline, diesel, and waste, and the two smaller 550-gallon USTs (contents unknown), all tanks were reported to be in good condition. No indication of soil or groundwater contamination was identified and the site was cleared for excavation and to be backfilled. No odors, ponding, groundwater contamination, or pipeline leaks were noted upon UST removal. All tanks were properly cleaned and disposed of; backfill material consisted of sand. ~~Although the USTs were reported to be removed, no official removal/closure letter was obtained.~~ The backfill material is reported to have no discoloration and no saturation.

Waste oil was also reported to be spilled by a cleaning truck at the 7204 Ponto Drive property on December 9, 1988; however, the soil was removed by excavation and the tank was manifested. A spill released lithium hydride to the soil on June 30, 1988. An excavation crew discovered a 3.5-gallon buried/dumped container and the contaminated soils were excavated.

A potential REC on the subject site caused by the above-referenced properties is considered to be moderate, due to the status of the identified sites; ~~(no official removal/closure letter was obtained);~~ refer to Appendix E for a detailed discussion of files reviewed at the County of San Diego DEH for the onsite address 7204 Ponto Drive.

Twenty-five (25) regulatory sites were also listed in the EDR database within a one-mile radius of the Ponto Area; refer to Figure 5.4-1. A potential REC on the site caused by the above-described properties is considered to be low, due to the groundwater flow direction

and distance from the Ponto Area, and/or the status of potentially hazardous sites identified in the ESA. For the complete EDR list, refer to Appendix A of Appendix E.

In addition, one area within the northern portion of the Ponto Area contained a concrete foundation with metal piping, which may have been associated with historic agricultural uses onsite. Within other areas of the site, multiple unidentified metal pipes were noted extending out of the ground. The pipes appeared to be either capped or filled with soil; however, the terminus of the onsite pipes could not be determined during the July 2006 site visit. Such pipes that extend out of the ground surface may act as ventilation apparatus for USTs.

Chemical Storage and Use

Based on a review of available historical aerial photographs, onsite agricultural uses appear to be present during the 1950's and 1960's. A combination of several commonly used pesticides (i.e., DDD, DDT, DDE), which are now banned, may have been used previously on the Ponto Area. The historical use of agricultural pesticides has the potential to result in pesticide residues in onsite soils at concentrations that are considered to be hazardous, according to established Federal regulatory levels. Historical pesticide residues may represent a human health risk from inadvertent ingestion of contaminated soil, particularly by children.

As mentioned previously, plastic ASTs, 5-gallon plastic containers, paints, solvents, cleaners, and oils were observed as being stored onsite during the July 2006 site visit. These ASTs were not visibly investigated for their content.

Although access was restricted in various portions of the Ponto Area, stained soils, asphalt, and concrete were noted throughout the developed portions of the site during the July 5, 2006 inspection. Surficial staining was primarily noted within the auto maintenance/storage areas and surrounding machinery associated with the light industrial activities onsite. A sheet metal wood shop and heating/air conditional light industrial use exist onsite. Staining on the concrete was visible in association with onsite machinery, and fume hoods were also visible. The onsite stained soils, asphalt, and concrete are considered to be potential RECs, as the vertical extent of contamination remains undefined and could potentially affect groundwater quality.

Multiple large metal storage units are located throughout the Ponto Area. No visible staining was associated with the onsite metal storage units. One metal storage unit had three ventilation pipes extending out of the top of the unit; however, the interior of the metal storage units was not examined.

Historically, uses within the Ponto Area included, but were not limited to, metal shops, paint shops, antique repair, and mirror reconditioning facilities, dipping and stripping operations of materials, auto repair, metal fabrications, agricultural activities, and the Southern California Railroad (SCRR). The Coast Waste Management facility was historically located at 7204 Ponto Drive. Past activities associated with creosote dipping operations for railroad ties and railroad uses were also located onsite. A shipping depot for farm products (up to 1975), flower shipping operations, and repair/heavy equipment yards and outside warehousing were reported. Therefore, past and present activities onsite have resulted in chemical storage and use within the Ponto Area.

Asbestos and Lead Based Paint

Asbestos was used in many commercial products prior to the 1940's and up until the early 1970's. If inhaled, asbestos fibers can result in serious health problems. Based on the year (prior to 1978) the existing onsite structures were built, the potential for asbestos containing materials (ACMs) to be found is considered likely.

It is estimated that over 80 percent of all housing built prior to 1978 contains some lead based paint (LBP). In 1978, the U.S. Consumer Product Safety Commission (CPSC) phased out the sale and distribution of residential paint containing lead. In poor condition (flaking or peeling), LBPs can create a potential health hazard, especially in children. Based on the year (prior to 1978) the onsite structures were built, the potential for LBPs to be found onsite is considered likely.

Trash and Debris

Miscellaneous debris (i.e., wood, concrete, 55-gallon drums, miscellaneous household debris, automobiles, scrap metal, construction equipment, paint cans, batteries, and plastic and metal piping, etc.) was noted throughout the Ponto Area during the July 2006 site survey. Although no land-filling operations were noted, several waste/debris piles were noted within onsite properties that maintained construction equipment and provided auto/metal fabrication services. Stockpiled construction equipment (i.e., paving equipment, construction related tractors and autos), scrap metal (55-gallon drums, miscellaneous equipment, piping), and typical waste debris that contained wood, plastic, and concrete materials, as well as storage of oils, paints, solvents, and lubricants were observed. All of the waste piles observed during site inspection appeared to be on bare soils, gravel, concrete, or asphalt. Multiple onsite soil/dirt piles were also observed.

Other Hazardous Materials

PCBs. Pole mounted transformers and an automobile service/storage use were noted onsite during the site inspection. Many transformers and other materials (such as hydraulic lifts and associated fluids) contain PCBs. The use of PCBs was banned in 1977 and most production/use in 1979. No evidence of di-electric fluid or staining was noted onsite during the July 5, 2006 site survey. Although automobile service uses exist onsite, no hydraulic lifts were visible. The actual presence of PCBs associated with onsite transformers, nor within the automobile shop, could not be confirmed during the course of the site assessment.

Utility Structures, Roads, Disposal Systems, Water Wells. A high-pressure gas line traversing the Ponto Area was identified through signage. Onsite roadways include Avenida Encinas (improved), Ponto Road (improved), and an unnamed roadway (unimproved). Based on interviews with current property owners, the Ponto Area is not connected to sewer and structures onsite may have associated septic tanks. As residential septic systems are possible receivers of household waste, they can represent a potential source for soil and groundwater contamination. No water wells were observed onsite.

Electromagnetic Fields (EMFs). Utilities (overhead power lines with transformers) were noted within the boundaries of the Ponto Area during the site inspection. Electromagnetic fields may cause risk to human health, although actual risk levels have not yet been established.

Radon. Radon is a radioactive gas found in certain geologic environments and is formed by the natural breakdown of radium, found in the Earth's crust. Radon is an invisible, odorless, inert gas that emits alpha particles, known to cause lung cancer. Radon levels are highest in basements (areas in close proximity to the soil) that are poorly ventilated. A radon survey was not included within the scope of this investigation. According to the "U.S. EPA Map of Radon Zones," the County of San Diego is located within Zone 3, which has a predicted average indoor screening level of <2.0 Picocuries per liter (pCi/L). EPA recommends remedial action when radon levels are greater than 4.0 pCi/L. As such, hazards represented by exposure to radon within the Ponto Area are considered to be low.

5.4.1.3 Schools

The Ponto Area is located approximately 2.3 miles from the nearest public school. The Aviara Oaks Elementary School and the Aviara Oaks Middle School are located to the east of the project site at 6900 Ambrosia Lane, just off of Aviara Parkway.

5.4.1.4 McClellan-Palomar Airport Comprehensive Land Use Plan

The Ponto Area is located approximately 2.5 miles southwest of the McClellan-Palomar Airport (a public airport). The project site is not within the airport's Flight Activity Zone or Air Runway Protection Zone, as identified in the McClellan-Palomar Airport Comprehensive Land Use Plan (CLUP), and therefore is not subject to land use restrictions given in the Plan for these zones.

5.4.1.5 Emergency Plans

The City of Carlsbad Emergency Operation Plan (June 2003) provides guidelines for the City's response in addressing "extraordinary emergency situations such as natural disasters, human events, and technological incidents, including both peacetime and wartime nuclear defense operations" in order to protect life and property, and the well being of the population. The Ponto Area is not affected by the Plan as being identified as an area of shelter or potential area of refuge to serve the population in the event of an emergency.

5.4.1.6 Fire Hazard

Sanborn Maps contain detailed drawings indicating the location and use of structures on a given property during specific years. These maps were originally produced to show buildings in sufficient detail for insurance underwriters to evaluate fire risks and establish premiums, but now are utilized as a source of historical and environmental risk information. No Sanborn Maps were available for the Ponto Area or the immediate vicinity at the time of the ESA.

Although the majority of the Ponto Area remains as undeveloped land, the site is within a largely urbanized area, with residential development to the north and east and water bodies to the west and south. As the subject site is not considered to be in a wildland area due to its location within the City, the potential for wildfire to affect the site is considered to be low.

5.4.2 Thresholds for Determining Significance

The following thresholds for determining significance are based on Appendix G of the CEQA Guidelines. For the purpose of this EIR, a significant impact related to hazards or hazardous materials would occur if the proposed project would:

- Routinely transport, use or dispose of hazardous materials;
- Release hazardous materials into the environment;
- Be included on a list of hazardous materials sites;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located within an airport land use plan or within two miles of a public airport or public use airport;
- Be located within the vicinity of a private airstrip that would result in a safety hazard for people residing or working in the project area;
- Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; or,
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

5.4.3 Environmental Impact

5.4.3.1 Hazardous Materials

Existing Hazardous Materials Onsite

Impact HM-1—Regulatory lists identified two sites (at 7204 Ponto Drive) within the 50-acre Ponto Area. This address was identified on several regulatory lists as having hazardous materials onsite, including seven USTs. ~~Although these tanks have reportedly been removed, no and an official removal/closure letter was obtained; refer to Appendix E.~~ As such, this site may represent the potential to release hazardous materials into the environment. This would be a significant impact and mitigation would be required.

The lists identified twenty-five regulatory sites located within a one-mile radius of the Ponto Area. A potential REC caused by these sites is considered to be low, due to the groundwater flow direction from the Ponto Area, distance from site, and/or the status of the sites identified in the ESA. Therefore, these sites are not anticipated to result in a hazardous condition for the Ponto Area. Impacts are considered to be less than significant.

Impact HM-2—1 Based on the year (prior to 1978) the onsite structures were built, the potential for ACMs to be found onsite is considered likely. Therefore, future development within the Ponto Area could potentially release hazardous materials into the environment. This would be considered a significant impact and mitigation would be required.

Impact HM-3—2 Similarly, based on the year (prior to 1978) the onsite structures were built, the potential for LBPs to be found onsite is considered likely. Therefore, the future development within the Ponto Area could potentially release hazardous materials into the environment. This would be considered a significant impact and mitigation would be required.

Transport, Use or Disposal of Hazardous Materials and Potential Accidents

The proposed project will ultimately result in development of a variety of future uses in the Ponto Area. Future land uses may require the transport, use or disposal of hazardous materials as an aspect of daily operation. Oil and/or other chemicals released from delivery vehicles or the vehicles of residents or visitors, as well as those used for mechanical equipment or for maintenance purposes, may be present on the site; however, the presence of such materials onsite is not anticipated to be substantial in quantity or to pose substantial risk to human health or safety. The project is, therefore, not anticipated to represent a hazard due to the release of hazardous materials into the environment. Therefore, impacts related to the transport, use or disposal of hazardous materials are considered to be less than significant.

Other Hazardous Materials

Impact HM-4-3 During the onsite visit, miscellaneous debris piles that included concrete, 55-gallon drums, miscellaneous household debris, automobiles, scrap metal, construction equipment, paint cans, batteries, and plastic and metal piping were observed within the proposed development area. These debris piles can represent a potential hazard, as hazardous materials can seep into the soils below and contaminate underlying groundwater, thereby releasing hazardous materials into the environment. This would be a significant impact and mitigation would be required.

In addition, other hazardous materials may pose a potential hazard to future occupants of the Ponto Area. The Phase I ESA identified other potentially hazardous materials or conditions such as stained soils, unidentified pipes, onsite storage units, ASTs and unidentified soil/gravel piles. These conditions may be potentially hazardous and may represent the potential for release of hazardous materials into the environment. This would be considered a significant impact and mitigation would be required.

5.4.3.2 Schools

As stated above, the Ponto Area is located approximately 2.3 miles from the nearest public school. As such, the project would not emit hazardous emissions or result in the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, future development of the Ponto Area would not result in a safety hazard for school children in the Ponto Area. Impacts would be less than significant.

5.4.3.3 McClellan-Palomar Airport

The Ponto Area is located approximately 2.5 miles southwest of the McClellan-Palomar Airport (a public airport). The project site is not within the airport's Flight Activity Zone or Air Runway Protection Zone as identified in the McClellan-Palomar Airport Comprehensive Land Use Plan (CLUP). As such, the project would not be located within a vicinity of a private airstrip that would result in a safety hazard for people residing or working in the Ponto Area. Therefore, impacts would be less than significant.

5.4.3.4 Emergency Plans

The City of Carlsbad Emergency Operations Plan provides guidelines for the City's response in addressing "extraordinary emergency situations such as natural disasters, human events,

and technological incidents, including both peacetime and wartime nuclear defense operations” in order to protect life and property, and the well-being of the population. The Ponto Area is not identified as a potential shelter or open space area of refuge within the Plan. Therefore, development of the project site would not impair the implementation of or physically interfere with the City’s adopted emergency response plan. Therefore, impacts would be less than significant.

5.4.3.5 Fire Hazard

The Ponto Area lies within an urban setting and the surrounding area is largely built-out, with the Batiquitos Lagoon to the south and the Pacific Ocean to the west. As such, the threat for hazards to occur as the result of wildland fires is considered to be low. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Impacts would be less than significant.

5.4.4 Mitigation Measures

While there is no requirement that agricultural soil (associated with the historic agricultural uses) be tested prior to development, many developers and lenders throughout the United States are requiring that sites proposed for development undergo an evaluation of environmental conditions. The Phase I ESA concluded that, as individual ownerships are developed within the Ponto Area, the City of Carlsbad must determine if they wish to pursue additional environmental review (i.e., Phase II) to identify the absence or presence of pesticide residues, and if present, how these soils would be handled (i.e., Risk Assessment).

Based on the records and other data reviewed during the preparation of the Phase I ESA, the following mitigation measures are recommended. Implementation of the appropriate mitigation measures would be the responsibility of the individual property owners within the Ponto Area and would occur prior to any improvement activities on individual properties in the future.

Structures

HM-1 Prior to the commencement of demolition or renovation activities, the interior of individual onsite structures within the Ponto Area shall be visually inspected. Should hazardous materials be encountered with any onsite structure, the materials shall be tested and properly disposed of offsite in accordance with State and Federal regulatory requirements. Any stained soils or surfaces underneath the removed materials shall be sampled. Results of the sampling would indicate the appropriate level of remediation efforts that may be required.

Asbestos Containing Materials

HM-2 Prior to the commencement of any remedial or demolition work, building owners shall contract with a certified professional to conduct an asbestos survey, consistent with National Emission Standards for Hazardous Air Pollutants (NESHAP) standards to determine the presence of ACMs. Demolition of or within existing buildings on individual parcels onsite must comply with State law, which requires a certified contractor where there is asbestos-related work involving 100 square feet of more of

ACMs to ensure that certain procedures regarding the removal of asbestos are followed.

Lead Based Paints

HM-3 If, during demolition of any onsite structures on individual parcels, paint is separated from the building material (e.g., chemically or physically), the paint waste shall be evaluated independently from the building material to determine its proper management. According to the Department of Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). It is recommended that the landfill operator be contacted in advance to determine any specific requirements for the disposal of lead-based paint materials.

Other Hazardous Materials

Miscellaneous Debris

HM-4 Prior to issuance of a grading permit, all miscellaneous debris (i.e., wood, concrete, 55-gallon drums, miscellaneous household debris, automobiles, scrap metal, construction equipment, paint cans, batteries, and plastic and metal piping, etc.) shall be removed offsite and properly disposed of at an approved landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

All light industrial equipment associated with hazardous materials storage, mixing, and/or use (i.e., fume-hoods, vents, piping, etc.) shall be properly disposed of in accordance with State and Federal regulations at an approved offsite landfill facility.

Septic Tanks

HM-5 Prior to the issuance of a grading permit, the specific location of onsite septic tanks shall be determined. Once located, septic tanks shall be removed and properly disposed of at an approved offsite landfill facility. Once the tanks are removed, a visual inspection of the areas beneath and around the removed tanks shall be performed. Any stained soils observed underneath the septic tanks shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

Documented USTs

~~**HM-6** Prior to the issuance of a grading permit, the presence/absence of documented USTs located at the assigned address 7204 Ponto Drive shall be confirmed by a qualified Phase II/III hazardous materials consultant. Should a UST(s) be present, the UST(s) shall be removed and properly disposed of at an approved offsite landfill facility. Once removed, a visual inspection of the areas beneath and around the removed UST(s) shall be performed. Any stained soils observed shall be segregated and sampled. As a result of sampling (if necessary), the identified level of remediation shall be required.~~

Unidentified Pipes

HM-76 Prior to issuance of a grading permit, the terminus of all existing, unidentified metal pipes within an individual property shall be defined (as applicable). Should a UST be present in association with such pipes, the UST shall be removed and properly disposed of offsite at an approved landfill facility. Once the UST is removed, a visual inspection of the areas beneath and around the removed UST shall be performed. Any stained soils observed underneath the UST shall be sampled. As a result of sampling (if necessary), the identified level of remediation shall be required.

Pole-mounted Transformers

HM-87 Transformers and/or hydraulic lifts to be relocated during site construction/demolition shall be conducted under the supervision of the local utility purveyor to identify property-handling procedures regarding potential PCBs.

Stained Concrete/Asphalt

HM-98 Prior to issuance of a grading permit, any stained concrete/asphalt shall be removed and disposed of offsite at an appropriate permitted facility. Once removed, exposed soils shall be visually observed to confirm the presence/absence of staining (an indication of contamination migration into the subsurface). If observed, stained soils shall be segregated and tested to identify appropriate remedial activities if necessary which shall then be implemented.

Above Ground Storage Tanks

HM-10-9 Prior to issuance of a grading permit, onsite ASTs shall be removed and properly disposed of offsite at an approved landfill facility. Once the ASTs are removed, a visual inspection of the areas beneath and around the removed ASTs shall be performed. Stained soils observed underneath the ASTs shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

Unidentified Soil/Gravel Piles

HM-11-10 Prior to issuance of a grading permit, onsite soil/gravel piles shall be removed from each individual property and properly disposed of. Due to the unknown origin of the soil/gravel piles, the piles shall be sampled and tested for hazardous materials. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

High Pressure Gas Line

HM-12-11 Prior to any excavation within the Ponto Area, the exact location of the high-pressure gas line shall be defined prior to the commencement of construction. Any activities occurring within the gas line easement shall be conducted pursuant to applicable guidelines and regulations.

Storage Units

HM-13-12 Prior to demolition, the interior of the onsite storage units shall be visually inspected prior to removal. The storage units shall be removed and properly disposed of offsite at an approved landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

Concrete Foundation

HM-14-13 Prior to issuance of a grading permit, the affected owner shall remove the existing concrete foundation in the northern portion of the development area and properly dispose of it at an approved offsite landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

Soil Sampling

HM-15a-14a Prior to the issuance of a grading permit, where surficial staining is visible associated with the automobile and storage areas, soils shall be excavated to determine the exact vertical extent of the contamination (if any). If during soil removal, evidence of petroleum products appears to continue below the ground surface, sampling shall be performed to characterize the extent of contamination and identify appropriate remedial measures that shall be implemented.

HM-15b-14b If directed by the City, prior to issuance of a grading permit, individual landowners shall contract with a certified Phase II/III specialist to conduct soil sampling to identify any pesticide residues in the soil related to historic agricultural uses onsite. The sampling will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that shall be required.

HM-15c-14c Prior to issuance of a grading permit, construction in which the soil around the historic railway alignment is to be disturbed shall be conducted under the purview of the local regulatory agency to identify presence of gasoline, diesel, and/or creosote within the soils and to identify proper handling procedures. A visual inspection of the areas beneath and around the removed area shall be performed. Any stained soils observed underneath the adjacent area shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

Construction Activities

HM-16-15 If unknown wastes or suspect materials are discovered during construction on individual properties that are believed to involve hazardous waste/materials, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- Notify the Project Engineer of the implementing Agency;

- Secure the areas as directed by the Project Engineer; and,
- Notify the implementing Agency's Hazardous Waste/Materials Coordinator.

5.4.5 Impact After Mitigation

Implementation of Mitigation Measures would reduce potential impacts related to hazards and hazardous materials to less than significant. Removal and/or treatment of hazards or hazardous materials discovered onsite (or offsite) during future site improvement or construction activities would be completed as applicable and in conformance with the proposed Mitigation Measures. Implementation of the appropriate mitigation measures would be the responsibility of the individual property owners within the Ponto Area and would occur prior to any improvement activities on individual properties in the future. Implementation of Mitigation Measures HM-1 to HM-15 would reduce potential impacts related to hazards and hazardous materials to less than significant.

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Figure 5.4-1
Phase I ESA - Overview Map

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5.5 NOISE

The purpose of this section is to analyze project-related noise source impacts onsite and to surrounding land uses; refer to Appendix F. This section evaluates short-term construction related impacts, as well as future buildout conditions. Mitigation measures are also recommended to avoid or lessen potential noise impacts. Information in this section was obtained from the City of Carlsbad *General Plan* and the City of Carlsbad *Municipal Code*. For the purposes of mobile source noise modeling and contour distribution, traffic data contained in the Traffic Impact Analysis was utilized; refer also to Section 5.6 and Appendices G-1 and G-2.

5.5.1 Existing Conditions

5.5.1.1 Noise Scales and Definitions

Human response to sound is highly individualized. Annoyance is the most common issue regarding community noise. The percentage of people claiming to be annoyed by noise will generally increase with the environmental sound level. However, many factors will also influence people's response to noise. The factors can include the character of the noise, the variability of the sound level, the presence of tones or impulses, and the time of day of the occurrence. Additionally, non-acoustical factors, such as the person's opinion of the noise source, the ability to adapt to the noise, the attitude towards the source and those associated with it, and the predictability of the noise, will all influence people's response. As such, response to noise varies widely from one person to another and with any particular noise, individual responses will range from "not annoyed" to "highly annoyed."

Sound is described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB).

Many methods have been developed for evaluating community noise to account for, among other things:

- The variation of noise levels over time;
- The influence of periodic individual loud events; and,
- The community response to changes in the community noise environment.

Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear; refer to Table 5.5-1.

Community noise levels can be described in terms of the community noise equivalent level (CNEL). The CNEL is the average A-weighted sound level during a 24-hour day. It is obtained by adding five dBA to sound levels in the evening hours (7 P.M. to 10 P.M.) and by adding 10 dBA to sound levels during the nighttime (10 P.M. to 7 A.M.). The 5- and 10-dBA penalties are applied to take into account for increased noise sensitivity during evening and nighttime hours.

Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dBA higher than another is judged to be twice as loud, and 20 dBA higher four times as loud, and so forth. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). Examples of various single-event sound levels in different environments are illustrated on Figure 5.5-1.

5.5.1.2 Sensitive Receptors

Human response to noise varies widely depending on the type of noise, time of day and sensitivity of the receptor. The effects of noise on humans can range from temporary or permanent hearing loss to mild stress and annoyance due to such things as speech interference and sleep deprivation. Prolonged stress, regardless of the cause, is known to contribute to a variety of health disorders. Noise, or the lack of it, is a factor in the aesthetic perception of some settings, particularly those with religious or cultural significance. Certain land uses are particularly sensitive to noise, including schools, hospitals, rest homes, long-term medical and mental care facilities, and parks and recreation areas. Residential areas are also considered noise sensitive, especially during the nighttime hours.

The Ponto Area is surrounded primarily by residential uses to the north and east of the site. To the south of the site is the Batiquitos Lagoon and to the west is the South Carlsbad State Beach. The nearest hospital to the project site is the Kaiser Permanente Medical Center, which is located approximately less than half a mile north of the Ponto Area. There are no additional sensitive receptors within the immediate area of the proposed project.

5.5.1.3 Ambient Noise Measurements

In order to quantify existing ambient noise levels in the project area, RBF Consulting conducted noise measurements on July 5, 2006; refer to Table 5.5-2. The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the project site; refer to Figure 5.5-2. Fifteen-minute measurements were taken at each site, between 8:15 A.M. and 10:45 A.M. Meteorological conditions were typical, with light wind speeds (0 to 5 miles per hour), low humidity and clear skies.

Noise monitoring equipment used for the ambient noise survey consisted of a Larson Davis Laboratories Model LDL 820 sound level analyzer equipped with a Larson Davis Random Incidence Model 2561 microphone. The instrumentation was calibrated prior to use with a Larson Davis Model CAL250 acoustical calibrator to ensure the accuracy of the measurements, and complies with applicable requirements of the American National Standards Institute (ANSI) for Type I (precision) sound level meters. The results of the field measurements are indicated in Appendix D of Appendix F of this EIR. Existing measured noise levels range from approximately 48.3 dBA to 59.8 dBA.

Mobile Sources

Vehicular Noise

In order to assess the potential for mobile source noise impacts, it is necessary to determine the noise currently generated by vehicles traveling through the project area. The existing roadway noise levels in the vicinity of the project site were projected. Noise models were

run using the Federal Highway Administration's Highway Noise Prediction Model (FHWA RD-77-108) together with several roadway and site parameters. These parameters determine the projected impact of vehicular traffic noise and include the roadway cross-section (e.g., number of lanes), roadway width, average daily traffic (ADT), vehicle travel speed, percentages of auto and truck traffic, roadway grade, angle-of-view and site conditions ("hard" or "soft"). The model does not account for ambient noise levels (i.e., noise from adjacent land uses) or topographical differences between the roadway and adjacent land uses. Noise projections are based on modeled vehicular traffic as derived from the project Traffic Impact Study.

A 25 to 50 mile per hour (mph) average vehicle speed was assumed for existing conditions based on empirical observations and posted maximum speeds along the adjacent roadways. ADT estimates were obtained from the project Traffic Impact Study; refer to Appendix G of the EIR. Existing modeled traffic noise levels can be found in Table 5.5-3. As shown in Table 5.5-3, noise within the area from mobile noise ranges from 57.0 dBA to 73.5 dBA.

Airport Noise

The nearest airport located to the proposed project is the McClellan-Palomar Airport, which is located approximately 2.5 miles northeast of the site. According to City's *Noise Guidelines Manual*, the Ponto Area is located outside of the airport's 60 dBA CNEL; refer to Table 5.5-1. Therefore, the site would not be significantly impacted by airport operations.

Railroad Noise

The Ponto Area is bordered to the east by the San Diego Northern Railroad, which runs parallel to the coastline. Currently, AMTRAK operates several daily passenger trains between San Diego and Los Angeles. Additionally, a number of freight trains pass through Carlsbad daily, some after 5:00 P.M. It has been anticipated within the City's General Plan, up to 20 commuter trains may travel through the City at high speeds on a daily basis. Some trains may also pass during evening and nighttime hours.

Stationary Noise Sources

The Ponto Area is largely vacant, with the exception of the residential/commercial uses in the northern portion of the Ponto Area. Surrounding uses generally include residential, recreational, and parking uses. The primary sources of stationary noise in the project vicinity are generally urban-related activities (i.e., mechanical equipment, parking areas, conversations and recreational areas). The noise associated with these sources may represent a single event noise occurrence, short-term or long-term/continuous noise.

5.5.1.4 Regulatory Setting

It is difficult to specify noise levels that are generally acceptable to everyone; what is annoying to one person may be unnoticed by another. Standards may be based on documented complaints in response to documented noise levels, or based on studies of the ability of people to sleep, talk or work under various noise conditions. All such studies, however, recognize that individual responses vary considerably. Standards usually address the needs of most of the general population.

This section summarizes the laws, ordinances, regulations and standards that are applicable to the project. Regulatory requirements related to environmental noise are typically

promulgated at the local level. However, Federal and state agencies provide standards and guidelines to the local jurisdictions.

State of California Guidelines

California Environmental Quality Act

CEQA was enacted in 1970 and requires that all known environmental effects of a project be analyzed, including environmental noise impacts. Under CEQA, a project has a potentially significant impact if the project exposes people to noise levels in excess of standards established in the local general plan or noise ordinance. Additionally, under CEQA, a project has a potentially significant impact if the project creates a substantial increase in the ambient noise levels in the project vicinity above levels existing without the project. If a project has a potentially significant impact, mitigation measures must be considered. If mitigation measures to reduce the impact to less than significant levels are not feasible due to economic, social, environmental, legal or other conditions, the most feasible mitigation measures must be considered.

California Government Code

California Government Code Section 65302 (f) mandates that the legislative body of each county and city adopt a noise element as part of their comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services, as shown in Table 5.5-4.

The guidelines rank noise land use compatibility in terms of “normally acceptable,” “conditionally acceptable,” “normally unacceptable,” and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 dBA CNEL and “conditionally acceptable” up to 70 dBA CNEL. Multiple-family residential uses are “normally acceptable” up to 65 dBA CNEL and “conditionally acceptable” up to 70 dBA CNEL. Schools, libraries and churches are “normally acceptable” up to 70 dBA CNEL, as are office buildings and business, commercial and professional uses.

City of Carlsbad

General Plan

The City of Carlsbad has established noise guidelines in the Noise Element of the City's *General Plan* (City of Carlsbad 1995). These limits are applicable to transportation noise sources. The noise guidelines identify compatible exterior noise levels for various land use types. Residential land uses are considered normally acceptable up to 60 dBA CNEL. Commercial land uses are considered normally acceptable up to 65 dBA CNEL and conditionally acceptable up to 75 dBA CNEL. General industrial and utility uses are considered normally acceptable up to 70 dBA CNEL and conditionally acceptable up to 80 dBA CNEL.

The following goals and objectives were taken from the City of Carlsbad *General Plan* Noise Element:

*Land Use**A. Goal*

- A.1 A City where land uses are not significantly impacted by noise.*
- A.2 A City with industrial and commercial land uses which do not produce significantly adverse noise impacts.*
- A.3 A City which controls mobile sources of noise to help assure that mobile noise sources do not substantially contribute to the noise environment.*

B. Objectives

- B.1 To achieve noise compatibility between industrial/commercial and surrounding land uses and achieve an acceptable noise environment in industrial/commercial areas.*
- B.2 To achieve noise impact compatibility between land uses through the land use planning/development review process.*
- B.3 To actively control mobile noise violations.*

*Circulation**A. Goal*

To provide a roadway system that does not subject surrounding land uses to significantly adverse noise levels.

B. Objectives

To design and manage all roadways to maintain acceptable noise levels.

*Airport**A. Goal*

A City that achieves long-term compatibility between the airport and surrounding land use.

B. Objectives

- B.1 To minimize noise impacts on City residents, the City has planned for non-residential land uses within the 65 dBA CNEL Noise Contour of McClellan-Palomar Airport.*

*Rail**A. Goal*

Noise from railroad travel through Carlsbad is not disruptive to adjacent land uses and activities.

B. Objectives

To develop, maintain and manage a mitigation program for railroad noise.

Municipal Code

The City of Carlsbad Municipal Code, Section 8.48.010 (Limitation of Hours for Construction) regulates construction noise by limiting the hours of operation. Construction activities are allowed on Monday through Friday between the hours of 7:00 A.M. to sunset and on Saturdays from 8:00 A.M. to sunset, excluding Sundays and legal holidays. The City does not have quantitative noise level limits (i.e., limits based on sound levels) for general nuisance noise, such as that associated with stationary equipment located on private property.

Noise Guidelines Manual

The City of Carlsbad also provides a *Noise Guidelines Manual* (dated September 1995), that establishes the noise standards and criteria for analyzing noise impacts within the City. The *Noise Guidelines Manual* includes policies from the *General Plan* that focuses on land use and noise compatibility policies of Carlsbad. The proposed project has been analyzed per the guidance and methodologies provided within the *Noise Guidelines Manual*.

5.5.2 Thresholds for Determining Significance

Appendix G of the CEQA Guidelines contains analysis guidelines related to the assessment of noise impacts. These guidelines have been utilized as thresholds of significance for this analysis. As stated in Appendix G, a project would create a significant environmental impact if it would:

- Expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Expose persons to or generate excessive ground borne vibration or ground borne noise levels;
- Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels; or,
- For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.

5.5.2.1 Carlsbad Noise Criteria

According the City of *Carlsbad Noise Guidelines Manual*, the following criteria is used by the City of Carlsbad to determine if projects would cause significant impacts:

- Increase existing noise levels, by more than 3 dBA CNEL;
- Expose people to noise levels above 85 dBA, which are considered hazardous;
- Establish residential uses in areas within or 500 feet beyond the 60 dBA CNEL noise contour line of the Noise Contour Maps approved as part of the General Plan; and,

- Create a noise/land-use conflict pursuant to Figure IV-2 Land Use Compatibility for Community Noise Environments; refer to Table 5.5-4.

5.5.3 Environmental Impact

5.5.3.1 Short-Term (Construction) Impacts

As properties within the Ponto Area are all privately owned, development of the area will take place incrementally as individual property owners choose to undertake development or redevelopment activities. Therefore, a scheduled construction-phasing plan has not been established for the project.

Construction activities generally have a short and temporary duration, lasting from a few days to a period of several months. Ground-borne noise and other types of construction-related noise impacts would typically occur during the initial site preparation, which can create the highest levels of noise; but is also generally the shortest of all construction phases. High ground-borne noise levels and other miscellaneous noise levels can be created by the operation of heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, compactors, scrapers, and other heavy-duty construction equipment.

Table 5.5-5 indicates the anticipated equipment noise levels during construction on individual ownerships within the Ponto Area. In order to estimate the “worst case” construction noise levels, the combined construction equipment noise levels have been calculated for the grading/excavation phases; refer to Table 5.5-6. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts).

Impact N-1 The nearest existing noise-sensitive (residential) uses are located approximately 100 feet north of the Ponto Area. According to Table 5.5-6, noise levels could reach approximately 88 dBA at 100 feet from construction equipment. Therefore, proposed construction activities could potentially exceed 85 dBA, which would be considered significant per the Carlsbad Significance Criteria; refer to Section 5.5.2.1. To reduce potential impacts from construction noise, Mitigation Measure N-1 would be implemented, which includes such measures as engine muffling, placement of construction equipment, and strategic stockpiling and staging of construction vehicles.

Impact N-2 Future construction within the Ponto Area could also result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing levels if construction were to occur outside of hours established by the City for such activities. To reduce such impacts from construction noise, Mitigation Measure N-2 would be implemented, which would require project compliance with the City’s Municipal Code, which limits construction activities to Monday through Friday between the hours of 7:00 A.M. to sunset and on Saturdays from 8:00 A.M. to sunset, excluding Sundays and legal holidays.

5.5.3.2 Long-term (Mobile) Impacts

Future development within the Ponto Area would result in additional traffic on adjacent roadways, thereby increasing vehicular noise in the vicinity of existing and proposed land uses. Six scenarios were modeled based on the Traffic Impact Analysis: Existing With and Without Project, Year 2010 With and Without Project (see Section 7.0 for additional discussion), and Year 2030 With and Without Project. As previously discussed, an increase of three dBA or greater in noise levels occurring from project-related activities would be significant based upon the City of Carlsbad *Noise Guidelines Manual*. The noise level (dBA at 100 feet from centerline) depicts what would typically be heard 100 feet perpendicular to the roadway centerline.

Existing Conditions

As indicated in Table 5.5-7, under the “Existing” scenario, noise levels at a distance of 100 feet from centerline of roadways in the surrounding area (and considered in the noise analysis) range from approximately 56.3 dBA to 73.7 dBA. The highest noise levels under “Existing” conditions would occur along Palomar Airport Road between El Camino Real and El Fuerte. Similar to the “Existing” scenario, under the “Existing With Project” scenario noise levels at a distance of 100 feet from the centerline would range from approximately 56.5 dBA to 73.8 dBA. The highest noise levels under future with project conditions would occur along Palomar Airport Road between El Fuerte Road and Melrose Road.

Table 5.5-7 also compares the “Existing” scenario to the “Existing With Project” scenario. With development of the Ponto Area, noise levels along Poinsettia Lane between Carlsbad Boulevard and Avenida Encinas would increase by a maximum of 2.4 dBA. Based on the City of Carlsbad Noise Guidelines, an increase of 3.0 dBA would be considered significant. Therefore, noise levels under the Existing With Project scenario would be less than significant.

Year 2010 Conditions

Table 5.5-8 provides the anticipated noise levels for the With and Without Project scenarios in Year 2010, which is discussed herein to provide a comparison with Year 2030 conditions (see below). According to Table 5.5-8, under the “2010 Without Project” scenario, noise levels at a distance of 100 feet from centerline of roadways in the surrounding area (and considered in the noise analysis) would range from approximately 59.2 dBA to 74.7 dBA. Similar to “Existing Conditions,” the highest noise levels would occur along Palomar Airport Road between El Camino Real and El Fuerte Road. Table 5.5-8 also illustrates that with development of the Ponto Area, noise levels would increase by a maximum of 10 dBA along Poinsettia Lane between Carlsbad Boulevard and Avenida Encinas. As with the “Existing Conditions” scenarios, impacts associated with this increase would be less than significant. Based on the City of Carlsbad *Noise Guidelines Manual*, an increase of less than 3.0 dBA would be considered less than significant. Therefore, noise levels resulting from the proposed project during Year 2010 conditions would be less than significant.

Year 2030 Conditions

As shown in Table 5.5-9, under the “2030 Without Project” scenario, noise levels at a distance of 100 feet from centerline of roadways in the surrounding area (and considered in the noise analysis) would range from approximately 59.6 dBA to 75.0 dBA. The highest

noise levels would occur along Palomar Airport Road, between El Camino Real to El Fuerte and from El Fuerte to Melrose.

Year 2030 traffic volumes were developed using the San Diego Association of Governments (SANDAG) travel demand model. Thus, to develop a “Year 2030 No Project” condition, the Ponto Vision Plan trips were subtracted from the “Year 2030 With Project” condition. This leads to an inherent difference in the calculation of projected traffic volumes between the Year 2030 and Year 2010 scenarios (see Section 7.0 for additional discussion), as the Year 2010 background volumes did not include the Ponto Vision Plan trips. Thus, by doing a comparison of the traffic volumes in Tables 5.5-8 and 5.5-9, traffic volumes Year 2030 appear less than Year 2010 for many roadway segments.

Under the “2030 With Project” scenario, noise levels at a distance of 100 feet from the centerline of roadways in the surrounding area (and considered in the noise analysis) are forecast to range from approximately 59.6 to 75.1 dBA. In Table 5.5-9, the “2030 With Project” scenario would result in an increase of 3.2 dBA along Poinsettia Lane between Carlsbad Boulevard and Avenida Encinas and Avenida Encinas to Interstate 5 (I-5) freeway, with traffic volumes increasing from 6,278 trips to 13,200 trips for both segments. However, as noted in Table 5.5-8 for Year 2010 conditions, background traffic volumes along these same segments are 40 to 75 percent higher and experience the same increase of 6,822 trips. Yet, under Year 2010 conditions, the noise level increase is 1.1 dBA for Avenida Encinas to the I-5, and 2.2 dBA for Carlsbad Boulevard to Avenida Encinas. A primary reason that the segments increased by 3.2 dBA under Year 2030 conditions is that the acoustical model interpreted the traffic volumes as doubling, which roughly leads to a 3 dBA increase. However, as the model has a margin of error of roughly 0.3 dBA and the higher traffic volumes did not produce a significant impact under Year 2010, impacts are concluded to be less than significant for Year 2030.

Onsite Vehicular Noise

Impact N-3 Carlsbad Boulevard borders the Ponto Area to the west while Avenida Encinas bisects the Ponto Area in the southern portion. According to Table 5.5-9, Carlsbad Boulevard would result in noise levels ranging from 69.3 dBA CNEL to 68.9 dBA CNEL in Year 2030. Avenida Encinas would result in noise levels ranging from 59.6 dBA CNEL to 63.2 dBA CNEL. According to the Vision Plan, proposed land uses bordering Carlsbad Boulevard would include commercial land uses such as retail and restaurants, live/work areas, townhomes, and hotels. Along Avenida Encinas, residential homes, retail, and hotel uses have been proposed. In addition, noise may be generated by vehicles traveling to and from uses within the Ponto Area. As indicated in the *Noise Guidelines Manual*, 60 dBA CNEL is the exterior noise level and 45 dBA CNEL is the interior noise level to which residential uses must be mitigated. ~~Therefore, noise impacts from vehicular noise may be potentially significant and mitigation would be required.~~ Noise attenuation such as sound walls and upgraded insulation standards for residential units may be necessary to provide shielding of sensitive receptors from vehicular activity. ~~As stated in Mitigation Measure N-3, prior to the future development of residential units along Carlsbad Boulevard and Avenida Encinas, an acoustical noise analysis shall be required to ensure that exterior and interior noise levels are met.~~ Therefore, noise impacts from onsite vehicular noise may be potentially significant and mitigation would be required.

Railroad Operations

As previously discussed above, the SDNR borders the Ponto Area to the east. The railroad is used by freight trains and AMTRAK, which operates several daily passenger trains between San Diego and Los Angeles. The surrounding land uses (existing and future) adjacent to the railroad would consist of mixed-use retail, live/work areas, residential neighborhoods, and hotels.

Table 5.5-11 divides the Ponto Area into areas A through I and provides the proposed land uses within each area. According to the Vision Plan, Areas A, C, D, and E would be located adjacent to the SDNR; refer to Table 5.5-11. Railroad noise levels were calculated using the U.S. Department of Housing and Urban Development Noise Assessment guidelines. Modeling was conducted for freight trains and high-speed trains to determine the noise levels resulting from the types of trains currently utilizing the railroad. Based on the anticipated data from the City's General Plan, 20 trains were modeled. The following assumptions were utilized in the analysis of rail operations:

- 20 Trains (15 during the daytime hours, 5 during nighttime hours);
- 50 miles per hour;
- 74-foot long power car; and,
- 63-foot long freight car.

Table 5.5-10 illustrates the noise levels that would potentially be experienced within the Ponto Area. Based on the noise modeling performed, the maximum noise level that would be experienced at the project site at 100 feet from the centerline of the tracks is 60 dBA CNEL. In order to calibrate the model, the noise measurements listed in Table 5.5-2 were used. Noise Measurement 5 as shown in Figure 5.5-2 was taken approximately 100 feet from the railroad centerline. As shown in Table 5.5-2, the noise level recorded as a train passed by the project site was 59.8 dBA. Therefore, the noise measurements are consistent with the modeled railroad noise. Noise levels at the project site are below the City of Carlsbad noise standards of 60 dBA CNEL, and therefore would not be considered a significant impact to the proposed residential unit within Plan Area D; refer to Table 5.5-11. No additional mitigation is required.

5.5.3.3 Long-Term (Stationary) Noise Impacts

Land uses intended for the area include residential homes, specialty retail, hotel facilities, retail, and a park. Noise associated with operational activities of mixed-use development is typically generated by the following sources:

- Trucks traveling on the site, to and from loading docks;
- Mechanical equipment (air conditioners, trash compactors, emergency generators, etc.);
- Typical parking lot activities (i.e., parking lot traffic and car door slamming); and,
- Landscape maintenance.

Mechanical Equipment

Mechanical equipment, such as generators, pool pumps, trash compactors, heating, ventilation and air conditioning (HVAC) units would be included as part of the proposed project. Mechanical equipment would typically be utilized in commercial areas and hotels. However the greatest mechanical noise is anticipated to be generated at the proposed hotels, as they typically require large HVAC units.

Noise generated from mechanical equipment could significantly impact residential uses and other sensitive receptors within the project vicinity by exceeding the City's 60 dBA CNEL exterior noise standard for residential units. Noise levels from mechanical equipment would be minimized with implementation of mitigation requiring the orientation of equipment away from any sensitive receptors, proper selection of equipment, and installation of equipment with proper acoustical shielding. Once development plans are finalized, each individual project would be required to perform further acoustical analysis to ensure City standards are met.

Loading Docks & Slowly Moving Trucks (Deliveries)

Typically, a medium 2-axle truck used to make deliveries can generate a maximum noise level of 75 dBA at a distance of 50 feet. These are levels generated by a truck operated by an experienced "reasonable" driver with typically applied accelerations. Higher noise levels may be generated by the excessive application of power. Lower levels may be achieved, but would not be considered representative of a nominal truck operation. Future uses within the Ponto Area are not anticipated to require a significant amount of truck deliveries.

The balance of deliveries for the entire commercial center would consist of vendor deliveries in vans and would be somewhat infrequent and irregular as the retail center is not a "daily needs" type center. The noise associated with one large truck delivery and smaller cargo vans would not result in a significant amount of truck trips to increase noise within the Ponto Area. Additionally, most deliveries would occur during daytime hours. Therefore, this issue is considered less than significant.

Noise sources at loading docks may include maneuvering and idling trucks, truck refrigeration units, fork lifts, banging and clanging of equipment (i.e., hand carts and roll-up doors), noise from public announcement (P.A.) systems, and voices of truck drivers and employees. The maximum noise level associated with loading docks is typically 73 dBA at 75 feet. The Ponto Vision Plan proposes commercial uses, as described above, that may contain loading docks. Noise generated by loading docks could exceed the City's 60 dBA CNEL noise standard for residential and/or other sensitive noise receptors. However, since future development land uses are not anticipated to require significant truck deliveries, impacts are anticipated to be less than significant.

Overall Stationary Noise

Impact N-4 Residential neighborhoods are considered sensitive receptors, and noise attenuation would be necessary to ensure that the City's 60 dBA CNEL exterior and 40 dBA CNEL interior noise standards are met. As previously mentioned, noise attenuation such as sound walls and upgraded insulation standards for residential units may be necessary to provide shielding from noise generated by future hotel, retail or restaurant uses generating stationary noise.

Mechanical equipment, such as generators, pool pumps, trash compactors, heating, ventilation and air conditioning (HVAC) units would be included as part of the proposed project. Mechanical equipment would typically be utilized in commercial areas and hotels. However the greatest mechanical noise is anticipated to be generated at the proposed hotels, as they typically require large HVAC units. Noise generated from mechanical equipment could significantly impact residential uses and other sensitive receptors within the project vicinity by exceeding the City's 60 dBA CNEL exterior noise standard for residential units. Noise levels from mechanical equipment would be minimized with implementation of mitigation requiring the orientation of equipment away from any sensitive receptors, proper selection of equipment, and installation of equipment with proper acoustical shielding. Once development plans are finalized, each individual project would be required to perform further acoustical analysis to ensure City standards are met.

Possible mitigation measures to attenuate noise at sensitive receptors would include installation of sound barriers or parapets around HVAC units, provision of a buffer or setback from the property line, or the development of delivery schedules occurring only during daylight hours, to reduce effects of trucks traveling through residential neighborhoods. However, it would be necessary for a qualified acoustical consultant to prepare a focused acoustical report, prior to approval of site plans for any future residential uses within Ponto Area. Impacts resulting from overall stationary noise would be considered potentially significant and mitigation would be required.

Parking Areas

Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Typical noise levels generated by parking areas are an estimated 70 dBA at 50 feet from the source during peak events (this is an "instantaneous" or peak noise level). Parking lot noise would also be partially masked by background noise from adjacent roads and typical community noise sources. Conversations in parking areas may also be an annoyance to adjacent sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech. As noise generated within parking areas would be single-event and therefore temporary, impacts are considered to be less than significant.

Overall Stationary Noise

~~**Impact N-4** — Residential neighborhoods are considered sensitive receptors, and noise attenuation would be necessary to ensure that the City's 60 dBA exterior and 40 dBA interior noise standards are met. As previously mentioned, noise attenuation such as sound walls and upgraded insulation standards for residential units may be necessary to provide shielding from noise generated by future hotel, retail or restaurant uses generating stationary noise. Possible mitigation measures to attenuate noise at sensitive receptors would include sound barriers or parapets around HVAC units, development of delivery schedules occurring only during daylight hours, or the establishment of truck routes to avoid truck travel through residential neighborhoods. However, it would be necessary for a qualified acoustical consultant to prepare a focused acoustical report, prior to approval of site plans for any future~~

~~residential uses within Ponto Area. Therefore, impacts resulting from overall stationary noise would be considered potentially significant and mitigation would be required.~~

5.5.4 Mitigation Measures

5.5.4.1 Short-Term (Construction) Impacts

N-1 For all projects within 1,000 feet of residential neighborhoods, prior to Grading Permit issuance, future developments shall demonstrate to the City of Carlsbad that the project complies with the following:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers;
- Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible;
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers;
- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors;
- Operate earthmoving equipment on the construction site, as far away from vibration sensitive sites as possible; and,
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the job superintendent receives a complaint, appropriate corrective actions shall be implemented and a report of the corrective action taken to the reporting party.

N-2 As provided within the City of Carlsbad *Municipal Code*, Section 8.48.010, construction activities shall occur Monday through Friday between the hours of 7:00 A.M. to sunset and on Saturdays from 8:00 A.M. to sunset, excluding Sundays and legal holidays.

5.5.4.2 Long-Term (Mobile) Impacts

N-3a ~~Prior to Final Development Plan final discretionary development approval, for future developments within the Ponto Area, subsequent noise studies developers within the Ponto Area shall prepare a site-specific noise analysis shall be prepared to the satisfaction of the City of Carlsbad Director of Planning, which demonstrates that mobile noise sources would not exceed maximum interior noise level criteria established for residential uses in the City General Plan, and that maximum exterior noise levels have been mitigated to the maximum extent feasible. The acoustical reports shall also be prepared pursuant to the City of Carlsbad *Noise Guidelines Manual*. The analysis shall verify that residences are adequately shielded and/or~~

located at an adequate distance from mobile noise sources in order to comply with the City's noise standards. Individual developments shall, to the extent feasible, implement site-planning techniques such as:

- Increasing the distance between the noise source and the receiver;
- Using non-noise sensitive structures such as garages to shield noise-sensitive areas;
- Orienting buildings to shield outdoor spaces from a noise source;
- Orienting non-noise generating uses toward existing adjacent residential uses;
- ~~Designating a commercial truck route along Avenida Encinas to minimize Routing potential truck noise along interior roadways by routing such vehicles commercial truck traffic away from more noise-sensitive uses within the Ponto Area.~~
- Individual developments shall incorporate architectural design strategies, which reduce the exposure of noise-sensitive spaces to stationary noise sources (i.e., placing bedrooms or balconies on the side of the house facing away from noise sources). These design strategies shall be implemented based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards;
- Individual developments shall incorporate noise barriers, walls, or other sound attenuation techniques, based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards; and,
- Elements of building construction (i.e., walls, roof, ceiling, windows, and other penetrations) shall be modified as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets.

N-3b Through Site Plan review, and to the satisfaction of the City Director of Planning, the location of driveways and service entrances associated with hotel uses within the Commercial Tourist (CT) zone shall be restricted to locations where such access points are not directly across from existing residential uses.

5.5.4.3 Long-Term (Stationary) Impacts

N-4a Electrical and mechanical equipment (i.e., ventilation and air conditioning units) shall be located away from sensitive receptor areas. Additionally, the following considerations should be given prior to installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporation of the use of parapets into building design. Prior to ~~Final Development Plan approval for future developments within the Ponto Area,~~ final discretionary development approval, developers within the Ponto Area shall prepare a subsequent site-specific noise studies analysis shall be prepared to the satisfaction of the City of

Carlsbad Planning Director, which demonstrates that noise from electrical and mechanical equipment would not exceed maximum interior noise level criteria established for residential uses in the City General Plan and that maximum exterior noise levels have been mitigated to the maximum extent feasible.

N-4b A bermed/landscaped buffer shall be provided adjacent to the property boundary between residential uses and commercial uses within areas zoned as Commercial-Tourist (CT) to distance future commercial land uses from existing and future adjacent residential uses. Consistent with the City's *Standard Conditions of Approval*, the applicant shall submit, to the satisfaction of the City Planning Director, a Landscape Plan illustrating the buffer and the landscaping proposed. The Landscape Plan shall be consistent with the City's Landscape Design Manual.

5.5.5 Impact After Mitigation

Despite implementation of Mitigation Measures N-1 and N-2, short-term construction activities are anticipated to result in noise levels above 85 dBA. Therefore, per the City's standards, a significant temporary noise impact could potentially occur during future construction activities. Although Mitigation Measures N-1 and N-2 are proposed to reduce noise levels resulting from construction activities, mitigation would not reduce such noise impacts to less than significant. Therefore, this impact would be significant and unavoidable.

Mitigation Measure N-3 would reduce long-term (mobile) impacts associated with Impact N-3 to less than significant. This mitigation measure would ensure that noise levels at residential units remain below the 60 dBA CNEL exterior noise level and the 45 dBA CNEL interior noise level criteria. Mitigation Measure N-3 would require that for future development of residential units along Carlsbad Boulevard or Avenida Encinas, an acoustical noise analysis be prepared to ensure that exterior and interior noise level requirements are met. In addition, to reduce potential noise impacts resulting from vehicles traveling to and from the area designated as Garden Hotel, the location of driveways and service entrances associated with hotel uses within the Commercial Tourist (CT) zone would be restricted to locations where such access points are not directly across from existing residential uses. Through compliance with Mitigation Measure N-3, impacts associated with roadway noise would be mitigated to less than significant.

Mitigation Measure N-4 would reduce long-term (stationary) impacts associated with Impact N-4 to less than significant. This mitigation measure would require that design measures be implemented to reduce potential noise impacts from electrical and mechanical equipment (i.e., ventilation and air conditioning units) on sensitive receptor areas. With such measures as consideration for the selection and sizing of equipment or incorporation of the use of parapets into building design, noise impacts resulting from the operation of such equipment would be reduced to less than significant. In addition, to further reduce potential noise impacts to less than significant, a bermed/landscaped buffer would be required within areas zoned as Commercial-Tourist (CT) to distance future land uses (Garden Hotel) from existing adjacent residential uses. The buffer would provide additional separation from proposed development and the existing residential uses across Ponto Road. ~~With such measures as consideration for the selection and sizing of equipment or incorporation of the use of parapets into building design, noise impacts resulting from the operation of such equipment would be reduced to less than significant.~~

If the City of Carlsbad approves the EIR for the Ponto Beachfront Village Vision Plan, the City shall be required to cite their findings in accordance with Section 15091 of CEQA and prepare a Statement of Overriding Considerations in accordance with Section 15093 of CEQA.

Table 5.5-1
Noise Descriptors

Term	Definition
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measured sound to a reference pressure (20 micropascals).
A-Weighted Decibel (dBA)	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Equivalent Sound Level (L_{eq})	The sound level containing the same total energy as a time varying signal over a given time period. The L_{eq} is the value that expresses the time averaged total energy of a fluctuating sound level.
Maximum Sound Level (L_{max})	The highest individual sound level (dBA) occurring over a given time period.
Minimum Sound Level (L_{min})	The lowest individual sound level (dBA) occurring over a given time period.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments are +5 dBA for the evening, 7:00 P.M. to 10:00 P.M., and +10 dBA for the night, 10:00 P.M. to 7:00 A.M. <u>The CNEL is a calculated average over a 24-hour period.</u>
Day/Night Average (L_{dn})	The L_{dn} is a measure of the 24-hour average noise level at a given location. It was adopted by the U.S. Environmental Protection Agency (EPA) for developing criteria for the evaluation of community noise exposure. It is based on a measure of the average noise level over a given time period called the L_{eq} . The L_{dn} is calculated by averaging the L_{eq} 's for each hour of the day at a given location after penalizing the "sleeping hours" (defined as 10:00 P.M. to 7:00 A.M.), by 10 dBA to account for the increased sensitivity of people to noises that occur at night.

Source: Cyril M. Harris, *Handbook of Noise Control*, 1979.

Table 5.5-2
Noise Measurements

Site No.	Location	Leq (dBA)	Time
1	Whitewater Drive	54.1	8:15 A.M.
2	South end of Ponto Drive	56.4	9:00 A.M.
3	Dory Lane and Portage Way	49.1	9:20 A.M.
4	San Luis Drive near San Ramon	48.3	10:15 A.M.
5	Near train tracks, southeast portion of Ponto Area	59.8	10:45 A.M.

Source: RBF Consulting, July 5, 2006.

**Table 5.5-3
Existing Noise Levels**

Roadway Segment	ADT	DBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)		
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour
Carlsbad Boulevard					
Palomar Airport Rd. to Island Way	14,220	66.9	602	190	60
Island Way to Breakwater	18,134	68.0	768	243	77
Breakwater to Poinsettia	18,641	68.1	789	250	79
Poinsettia to Avenida Encinas	18,853	68.2	988	252	80
Avenida Encinas to La Costa	24,061	69.2	1019	322	102
La Costa to Leucadia	15,900	67.7	673	213	67
South of Leucadia	16,000	67.7	678	214	68
Avenida Encinas					
Cannon Road to Palomar Airport Road	7,667	61.4	161	51	16
South of Palomar Airport Road	14,220	64.1	299	95	30
North of Poinsettia	4,748	56.3	49	15	5
South of Poinsettia	14,354	62.6	215	68	22
East of Ponto	3,777	57.0	57	18	6
College Blvd./ Aviara Pkwy.					
North of Palomar Airport Rd.	12,287	66.0	46.3	146	46
Palomar Airport Rd. to Poinsettia	10,524	64.1	300	95	30
Poinsettia to Batiquitos	15,557	64.4	327	104	33
Paseo del Norte					
North of Palomar Airport Rd.	10,558	61.2	159	50	16
Palomar Airport Rd. to Camino de Las Ondas	10,558	62.8	222	70	22
Camino de Las Ondas to Poinsettia Lane	10,558	62.8	222	70	22
Palomar Airport Road					
Carlsbad Blvd. to Avenida Encinas	12,203	63.0	226	72	23
Ave Encinas to Paseo del Norte	48,294	68.8	898	284	90
Paseo del Norte to Armada Dr.	52,208	71.5	1715	542	171
Armada Dr. to Hidden Valley Rd.	46,998	73.2	2519	796	252
Hidden Valley Rd. to College Blvd.	46,052	73.1	2467	780	247
College Blvd. to Camino Vida Roble	37,013	72.1	1982	627	198
Camino Vida Roble to El Camino Real	32,878	71.6	1763	557	176

Table 5.5-3 continued

Roadway Segment	ADT	DBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)		
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour
El Camino Real to El Fuerte	50,438	73.5	2705	855	270
El Fuerte to Melrose	53,603	73.7	2872	908	287
El Camino Real					
North of Palomar Airport Rd.	33,148	67.0	615	195	62
Palomar Airport Rd. to Camino Vida Roble	32,148	66.9	597	189	60
Camino Vida Roble to Cassia	30,825	66.7	573	181	57
Cassia to La Costa	46,017	73.1	2467	780	247
La Costa to Leucadia	35,932	72.0	1924	608	192
Poinsettia Lane					
Carlsbad to Avenida Encinas	9,092	60.8	136	43	14
Avenida Encinas to I-5	17,800	63.6	267	84	27
I-5 to Paseo del Norte	20,762	64.3	312	99	31
Paseo del Norte to Batiquitos	29,467	65.7	442	140	44
Batiquitos to Aviara	22,702	67.4	647	205	65
La Costa Avenue					
Carlsbad to Vulcan	11,200	61.8	168	53	17
Vulcan to I-5	14,981	63.1	225	71	22
I-5 to Piraeus	33,921	66.4	509	161	51
Piraeus to El Camino Real	33,330	71.3	1619	512	162
East of El Camino Real	10,015	63.9	286	90	29

ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level

Notes:




1. Traffic data was based upon ADT counts per the Traffic Impact Analysis provided by RBF Consulting, October 2006.
2. Based on the City of Carlsbad *Noise Guidelines Manual*, the following vehicle mix was utilized:

Non Truck Route: 97.89 % Automobiles, 1.83% Medium Trucks, 0.28% Heavy Trucks; and

Designated Truck Route: 95.24 % Automobiles, 3.52% Medium Trucks, 0.83% Heavy Trucks.

Only Carlsbad Boulevard and Palomar Airport Road were modeled as *Designated Truck Routes*. All other roadways were modeled as *Non Truck Routes*.

Table 5.5-4
Land Use Compatibility for Community Noise Environments

Land Use Category	55	60	65	70	75	80	INTERPRETATION
Residential – (all) Single Family, Duplex, Mobile Home, Multi-Family, etc.							 Normally Acceptable Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Transient Lodging – Motel, Hotel							
School, Library, Church, Hospital, Nursing Home							
Auditorium, Concert Hall, Amphitheater							 Conditionally Acceptable New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
Sports Arena, Outdoor Spectator Sports							
Playground, Neighborhood Park							
Golf Course, Riding Stable, Water Recreation, Cemetery							 Normally Unacceptable New construction or development should generally be discouraged. If a new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Office Building, Business Commercial, Planned Industrial and Professional							
General Industrial, Manufacturing, Utilities, Agriculture							

Source: City of Carlsbad, *Noise Guidelines Manual*, September 1995.

**Table 5.5-5
Typical Construction Equipment Noise Levels**

Equipment Type	Typical Average Equipment Noise Level at 100 ft. in dB(A)¹
Air Compressor	75
Backhoe	75
Concrete Mixer	75
Concrete Pump	75
Crane	75
Dozer	75
Generator	75
Grader	75
Jackhammer	75
Loader	75
Paver	80
Pneumatic Tools	80
Pump	75
Saws	75
Scraper	80
Tractor	75
Trucks	75

Notes:

1. With noise controls applied. Obtainable by selecting quieter procedures or machines and implementing noise control features such as improved mufflers, use of silencers, shields, shrouds, ducts and engine enclosures.

Source: U. S. Environmental Protection Agency, 1971.

**Table 5.5-6
Combined Construction Equipment Noise Levels**

Construction Phase & Equipment	Avg. Equipment Noise Level @ 100'	Usage Factor¹	Avg. Equipment Noise Level @ 100' with Usage Factor
Grading and Excavation			
1 Excavator	75 dB(A)	0.08	64 dB(A)
1 Trencher	75 dB(A)	0.4	71 dB(A)
2 Off Highway Trucks	78 dB(A)	0.4	74 dB(A)
1 Tractor/Loader/Backhoe	81 dB(A)	0.4	77 dB(A)
<i>Combined</i>			<i>88 dB(A)</i>

Notes: ¹ Percentage of time equipment is operating at noisiest mode in most used phase on site.

Source: U. S. Environmental Protection Agency, 1971.

**Table 5.5-7
Existing and Existing Plus Project Noise Levels¹**

Existing						Existing Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Carlsbad Boulevard											
Palomar Airport Rd. to Island Way	14,220	66.9	602	190	60	15,433	67.2	653	206	65	0.3
Island Way to Breakwater	18,134	68.0	768	243	77	19,347	68.3	819	259	82	0.3
Breakwater to Poinsettia	18,641	68.1	789	250	79	19,854	68.4	840	266	84	0.3
Poinsettia to Avenida Encinas	18,853	68.2	988	252	80	26,888	69.7	1138	360	114	1.5
Avenida Encinas to La Costa	24,061	69.2	1019	322	102	30,883	70.3	1307	413	131	1.1
La Costa to Leucadia	15,900	67.7	673	213	67	17,416	68.1	738	233	74	0.4
South of Leucadia	16,000	67.7	678	214	68	16,910	68.0	716	226	72	0.3
Avenida Encinas											
Cannon Road to Palomar Airport Road	7,667	61.4	161	51	16	7,667	61.4	161	51	16	0

Table 5.5-7 continued

Existing						Existing Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
South of Palomar Airport Road	14,220	64.1	299	95	30	14,372	64.1	303	96	30	0
North of Poinsettia	4,748	56.3	49	15	5	4,900	56.5	50	16	5	0.2
South of Poinsettia	14,354	62.6	215	68	22	14,506	62.6	218	69	22	0
East of Ponto	3,777	57.0	57	18	6	4,080	57.6	61	19	6	0.6
College Blvd./ Aviara Pkwy.											
North of Palomar Airport Rd.	12,287	66.0	46.3	146	46	12,742	66.2	481	152	48	0.2
Palomar Airport Rd. to Poinsettia	10,524	64.1	300	95	30	11,737	64.6	335	106	33	0.5
Poinsettia to Batiquitos	15,557	64.4	327	104	33	15,709	64.4	330	104	33	0
Paseo del Norte											
North of Palomar Airport Rd.	10,558	61.2	159	50	16	10,710	61.3	161	51	16	0.1
Palomar Airport Rd. to Camino de Las Ondas	10,558	62.8	222	70	22	11,164	63.0	235	74	23	0.2

Table 5.5-7 continued

Existing						Existing Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Camino de Las Ondas to Poinsettia Lane	10,558	62.8	222	70	22	11,164	63.0	235	74	23	0.2
Palomar Airport Road											
Carlsbad Blvd. to Avenida Encinas	12,203	63.0	226	72	23	12,506	63.1	232	73	23	0.1
Ave Encinas to Paseo del Norte	48,294	68.8	898	284	90	48,597	68.8	902	285	90	0
Paseo del Norte to Armada Dr.	52,208	71.5	1715	542	171	52,511	71.5	1726	546	173	0
Armada Dr. to Hidden Valley Rd.	46,998	73.2	2519	796	252	47,604	73.2	2548	806	255	0
Hidden Valley Rd. to College Blvd.	46,052	73.1	2467	780	247	46,658	73.1	2501	791	250	0
College Blvd. to Camino Vida Roble	37,013	72.1	1982	627	198	38,377	72.3	2057	650	206	0.2
Camino Vida Roble to El Camino Real	32,878	71.6	1763	557	176	34,091	71.8	1825	577	182	0.2

Table 5.5-7 continued

Existing						Existing Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
El Camino Real to El Fuerte	50,438	73.5	2705	855	270	51,196	73.5	2743	867	274	0
El Fuerte to Melrose	53,603	73.7	2872	908	287	54,361	73.8	2912	921	291	0.1
El Camino Real											
North of Palomar Airport Rd.	33,148	67.0	615	195	62	33,300	67.1	618	196	62	0.1
Palomar Airport Rd. to Camino Vida Roble	32,148	66.9	597	189	60	32,451	67.0	603	191	60	0.1
Camino Vida Roble to Cassia	30,825	66.7	573	181	57	31,128	66.8	578	183	58	0.1
Cassia to La Costa	46,017	73.1	2467	780	247	46,320	73.1	2484	786	248	0
La Costa to Leucadia	35,932	72.0	1924	608	192	36,084	72.0	1933	611	193	0
Poinsettia Lane											
Carlsbad Blvd. to Avenida Encinas	9,092	60.8	136	43	14	15,914	63.2	239	75	24	2.4
Avenida Encinas to I-5	17,800	63.6	267	84	27	24,622	65.0	370	117	37	1.4

Table 5.5-7 continued

Existing						Existing Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
I-5 to Paseo del Norte	20,762	64.3	312	99	31	23,036	64.7	346	109	35	0.4
Paseo del Norte to Batiquitos	29,467	65.7	442	140	44	31,135	65.9	467	148	47	0.2
Batiquitos to Aviara	22,702	67.4	647	205	65	24,066	67.6	687	217	69	0.2
La Costa Avenue											
Carlsbad to Vulcan	11,200	61.8	168	53	17	16,203	63.4	243	77	24	1.6
Vulcan to I-5	14,981	63.1	225	71	22	19,984	64.3	300	95	30	1.2
I-5 to Piraeus	33,921	66.4	509	161	51	35,134	66.6	527	167	53	0.2
Piraeus to El Camino Real	33,330	71.3	1619	512	162	34,391	71.5	1672	529	167	0.2
East of El Camino Real	10,015	63.9	286	90	29	10,318	64.0	294	98	29	0.1

ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level

Notes:

1. Traffic data was based upon ADT counts per the Traffic Impact Analysis provided by RBF Consulting, October 2006.

2. Based on the City of Carlsbad *Noise Guidelines Manual*, the following vehicle mix was utilized:

Non Truck Route: 97.89 % Automobiles, 1.83% Medium Trucks, 0.28% Heavy Trucks; and

Designated Truck Route: 95.24 % Automobiles, 3.52% Medium Trucks, 0.83% Heavy Trucks.

Only Carlsbad Boulevard and Palomar Airport Road were modeled as *Designated Truck Routes*. All other roadways were modeled as *Non Truck Routes*.

**Table 5.5-8
Year 2010 Noise Levels¹**

Year 2010						Year 2010 Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Carlsbad Boulevard											
Palomar Airport Rd. to Island Way	20,600	68.5	873	276	87	21,813	68.7	924	292	92	0.2
Island Way to Breakwater	20,600	68.6	871	276	87	21,813	68.3	923	929	92	-0.3
Breakwater to Poinsettia	21,100	68.7	894	283	89	22,313	68.9	944	299	94	0.2
Poinsettia to Avenida Encinas	20,700	68.6	875	277	88	28,735	70.0	1217	385	122	1.4
Avenida Encinas to La Costa	27,500	69.8	1165	368	116	34,322	70.8	1453	459	145	1.0
La Costa to Leucadia	25,500	69.8	1079	341	108	27,016	70.0	1143	361	114	0.2
South of Leucadia	22,800	69.3	966	305	97	23,710	69.5	1005	318	100	0.2
Avenida Encinas											
Cannon Road to Palomar Airport Road	15,200	64.4	320	101	32	15,200	64.4	320	101	32	0

Table 5.5-8 continued

Year 2010						Year 2010 Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
South of Palomar Airport Road	12,200	63.4	257	81	26	12,352	63.5	260	82	26	0.1
North of Poinsettia	9,200	59.2	95	30	9	9,352	59.3	96	30	10	0.1
South of Poinsettia	16,300	63.1	244	77	24	16,452	63.2	247	78	25	0.1
East of Ponto	6,100	59.0	91	29	9	6,403	59.3	96	30	10	0.3
College Blvd. / Aviara Pkwy.											
North of Palomar Airport Rd.	28,000	69.6	1056	334	106	28,455	69.6	1073	339	107	0.0
Palomar Airport Rd. to Poinsettia	12,700	64.9	363	115	36	13,913	65.3	397	126	40	0.4
Poinsettia to Batiquitos	19,100	65.3	402	127	40	19,252	65.3	405	128	40	0
Paseo del Norte											
North of Palomar Airport Rd.	20,100	64.0	301	95	30	20,252	64.1	303	96	30	0.1
Palomar Airport Rd. to Camino de Las Ondas	20,600	65.7	433	137	43	21,206	65.8	446	141	45	0.1

Table 5.5-8 continued

Year 2010						Year 2010 Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Camino de Las Ondas to Poinsettia Lane	20,600	65.7	433	137	43	21,206	65.8	446	141	45	0.1
Palomar Airport Road											
Carlsbad Blvd. to Avenida Encinas	16,000	64.2	297	94	30	16,303	64.2	303	96	30	0
Ave Encinas to Paseo del Norte	44,500	68.4	826	261	83	44,803	68.4	832	263	83	0
Paseo del Norte to Armada Dr.	62,200	72.3	2042	646	204	62,503	72.3	2052	649	205	0
Armada Dr. to Hidden Valley Rd.	61,300	74.3	3282	1038	328	61,906	74.4	3320	1050	332	0.1
Hidden Valley Rd. to College Blvd.	57,000	74.0	3056	966	306	57,606	74.0	3084	975	308	0
College Blvd. to Camino Vida Roble	41,900	72.7	2245	710	224	43,264	72.8	2318	733	232	0.1
Camino Vida Roble to El Camino Real	39,500	72.4	2114	669	211	40,713	72.5	2184	690	218	0.1

Table 5.5-8 continued

Year 2010						Year 2010 Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
El Camino Real to El Fuerte	67,100	74.7	3599	1138	360	67,858	74.8	3632	1149	363	0.1
El Fuerte to Melrose	61,800	74.4	3312	1047	331	62,558	74.4	3351	1060	335	0
El Camino Real											
North of Palomar Airport Rd.	47,300	68.6	879	278	88	47,452	68.6	881	279	88	0
Palomar Airport Rd. to Camino Vida Roble	41,300	68.0	768	243	77	41,603	68.7	773	244	77	0.7
Camino Vida Roble to Cassia	48,200	68.7	896	283	90	48,503	68.7	902	284	90	0
Cassia to La Costa	59,700	74.2	3200	1012	320	60,003	74.2	3215	1017	321	0
La Costa to Leucadia	50,100	73.4	2686	849	269	50,252	73.5	2693	851	269	0.1
Poinsettia Lane											
Carlsbad Blvd. to Avenida Encinas	10,500	61.4	157	50	16	17,322	63.6	260	82	26	2.2
Avenida Encinas to I-5	24,800	65.0	372	118	37	31,622	66.1	474	150	47	1.1

Table 5.5-8 continued

Year 2010						Year 2010 Plus Project					Difference in dBA @ 100 Feet from Roadway
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
I-5 to Paseo del Norte	30,600	66.0	459	145	46	32,874	66.3	493	156	49	0.3
Paseo del Norte to Batiquitos	28,700	65.6	431	136	43	30,368	65.8	455	144	46	0.2
Batiquitos to Aviara	22,900	67.4	653	207	65	24,264	67.6	692	219	69	0.2
La Costa Avenue											
Carlsbad to Vulcan	15,600	63.2	234	74	23	20,603	64.4	309	98	31	1.2
Vulcan to I-5	17,400	63.7	261	83	26	22,403	64.8	336	106	34	1.1
I-5 to Piraeus	22,500	64.6	338	107	34	23,713	64.8	355	122	36	0.2
Piraeus to El Camino Real	31,400	71.1	1528	483	153	32,461	71.2	1578	499	158	0.1
East of El Camino Real	19,300	66.7	551	174	55	19,603	66.8	560	177	56	0.1

ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level

Notes:

1. Traffic data was based upon ADT counts per the Traffic Impact Analysis provided by RBF Consulting, October 2006.

2. Based on the City of Carlsbad *Noise Guidelines Manual*, the following vehicle mix was utilized:

Non Truck Route: 97.89 % Automobiles, 1.83% Medium Trucks, 0.28% Heavy Trucks; and

Designated Truck Route: 95.24 % Automobiles, 3.52% Medium Trucks, 0.83% Heavy Trucks.

Only Carlsbad Boulevard and Palomar Airport Road were modeled as *Designated Truck Routes*. All other roadways were modeled as *Non Truck Routes*.

**Table 5.5-9
Year 2030 Noise Levels¹**

Year 2030						Year 2030 Plus Project					Difference in dBA @ 100 Feet from Roadway ³
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Carlsbad Boulevard											
Palomar Airport Rd. to Island Way	23,387	69.0	990	313	99	24,600	69.2	1042	329	104	0.2
Island Way to Breakwater	23,387	69.1	989	313	99	24,600	69.3	1040	329	104	0.2
Breakwater to Poinsettia	23,387	69.1	989	313	99	24,600	69.3	1040	329	104	0.2
Poinsettia to Avenida Encinas	14,065	66.9	596	188	60	22,100	68.9	936	296	94	2.0
Avenida Encinas to La Costa	26,078	69.6	1104	349	110	32,900	70.6	1394	441	139	1.0
La Costa to Leucadia	31,384	70.7	1327	420	133	32,900	70.9	1393	441	139	0.2
South of Leucadia	31,990	70.8	1355	429	136	32,900	70.9	1393	441	139	0.1
Avenida Encinas											
Cannon Road to Palomar Airport Road	9,900	62.5	208	66	21	9,900	62.5	208	66	21	0.0

Table 5.5-9 continued

Year 2030						Year 2030 Plus Project					Difference in dBA @ 100 Feet from Roadway ³
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
South of Palomar Airport Road	10,048	62.6	211	67	21	10,200	62.7	215	68	21	0.1
North of Poinsettia	10,048	59.6	103	33	10	10,200	59.6	105	33	10	0
South of Poinsettia	15,748	63.0	236	75	24	15,900	63.0	238	75	24	0
East of Ponto	15,597	63.1	234	74	23	15,900	63.2	239	75	24	0.1
College Blvd./ Aviara Pkwy.											
North of Palomar Airport Rd.	27,045	69.4	1018	322	102	27,500	69.5	1037	328	104	0.1
Palomar Airport Rd. to Poinsettia	9,387	63.6	268	85	27	10,600	64.1	303	96	30	0.5
Poinsettia to Batiquitos	19,848	65.4	417	132	42	20,000	65.5	421	133	42	0.1
Paseo del Norte											
North of Palomar Airport Rd.	23,648	64.7	355	112	36	23,800	64.8	357	113	36	0.1
Palomar Airport Rd. to Camino de Las Ondas	17,994	65.1	378	120	38	18,600	65.3	392	124	39	0.2

Table 5.5-9 continued

Year 2030						Year 2030 Plus Project					Difference in dBA @ 100 Feet from Roadway ³
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Camino de Las Ondas to Poinsettia Lane	17,994	65.1	378	83	38	18,600	65.3	392	124	39	0.2
Palomar Airport Road											
Carlsbad Blvd. to Avenida Encinas	14,197	63.6	264	83	26	14,500	63.7	269	85	27	0.1
Ave Encinas to Paseo del Norte	72,197	70.5	1340	424	134	72,500	70.5	1346	426	135	0
Paseo del Norte to Armada Dr.	67,197	72.6	2209	698	221	67,500	72.6	2219	702	222	0
Armada Dr. to Hidden Valley Rd.	64,794	74.6	3469	1097	347	65,400	74.6	3501	1107	350	0
Hidden Valley Rd. to College Blvd.	61,094	74.3	3275	1036	327	61,700	74.3	3505	1045	330	0
College Blvd. to Camino Vida Roble	39,236	72.4	2100	664	210	40,600	72.5	2173	687	217	0.1
Camino Vida Roble to El Camino Real	39,387	72.4	2109	667	211	40,600	72.5	2173	687	217	0.1

Table 5.5-9 continued

Year 2030						Year 2030 Plus Project					Difference in dBA @ 100 Feet from Roadway ³
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
El Camino Real to El Fuerte	72,342	75.0	3874	1225	387	73,100	75.1	3919	1239	392	0.1
El Fuerte to Melrose	72,342	75.0	3874	1225	387	73,100	75.1	3919	1239	392	0.1
El Camino Real											
North of Palomar Airport Rd.	49,648	68.8	923	292	92	49,800	68.8	925	293	92	0
Palomar Airport Rd. to Camino Vida Roble	52,997	69.1	984	311	98	53,300	69.1	989	313	99	0
Camino Vida Roble to Cassia	49,797	68.8	925	293	92	50,100	68.8	931	295	93	0
Cassia to La Costa	61,597	74.3	3297	1043	330	61,900	74.4	3312	1047	331	0.1
La Costa to Leucadia	46,948	73.2	2513	795	251	47,100	73.2	2524	798	252	0
Poinsettia Lane											
Carlsbad to Avenida Encinas	6,278	59.2	94	30	9	13,100	62.4	196	62	20	3.2
Avenida Encinas to I-5	6,278	59.1	94	30	9	13,100	62.3	197	62	20	3.2

Table 5.5-9 continued

Year 2030						Year 2030 Plus Project					Difference in dBA @ 100 Feet from Roadway ³
Roadway Segment ²	ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
I-5 to Paseo del Norte	33,826	66.4	508	161	51	36,100	66.7	542	171	54	0.3
Paseo del Norte to Batiquitos	34,432	66.4	517	163	52	36,100	66.6	541	171	54	0.2
Batiquitos to Aviara	16,936	66.1	483	153	48	18,300	66.4	523	165	52	0.3
La Costa Avenue											
Carlsbad to Vulcan	13,297	62.5	199	63	20	18,300	63.9	275	87	27	1.4
Vulcan to I-5	16,097	63.4	241	76	24	21,100	64.5	317	100	32	1.1
I-5 to Piraeus	39,187	67.0	589	186	59	40,400	67.2	606	192	61	0.2
Piraeus to El Camino Real	39,339	72.1	1911	604	191	40,400	72.0	1964	621	196	0.1
East of El Camino Real	20,497	67.0	585	185	58	20,800	67.1	594	188	59	0.1

ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level

Notes:

1. Traffic data was based upon ADT counts per the Traffic Impact Analysis provided by RBF Consulting, October 2006.

2. Based on the City of Carlsbad *Noise Guidelines Manual*, the following vehicle mix was utilized:

Non Truck Route: 97.89 % Automobiles, 1.83% Medium Trucks, 0.28% Heavy Trucks; and

Designated Truck Route: 95.24 % Automobiles, 3.52% Medium Trucks, 0.83% Heavy Trucks.

Only Carlsbad Boulevard and Palomar Airport Road were modeled as *Designated Truck Routes*. All other roadways were modeled as *Non Truck Routes*.

3. Increases highlighted in **BOLD** would result in a significant impact.

**Table 5.5-10
Railroad Noise Levels**

Trains Per day	dBA CNEL @ 100 feet from the Railroad Centerline Without Shielding
20	60

Source: Modeling based on HMMH Inc, Federal Railroad Administration Rail High Speed Rail Initial Noise Evaluation, *HSRNOISE*, 1998.

**Table 5.5-11
Proposed Land Uses**

Plan Area	Land Use
A	Hotel Restaurant Conference Facility
B	Specialty Retail
C	Hotel Units
D	Apartments Live/work Units
E	Resort Hotel & Banquet Facilities
F	Townhomes (Condos) Specialty Retail Restaurant/Retails
G	Passive Park
H	Hotel Specialty Retail Restaurant
I	Specialty Retail

Source: RBF Consulting, *Traffic Impact Analysis*, October 2006.

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Figure 5.5-1
Levels of Environmental Noise

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Figure 5.5-2
Noise Measurement Locations

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5.6 TRAFFIC AND CIRCULATION

This section of the EIR is an analysis of potential traffic impacts associated with future development that could occur with implementation of the proposed Ponto Beachfront Village Vision Plan. The analysis evaluates the existing and future traffic and circulation patterns and conditions that would occur with and without implementation of the proposed Vision Plan. The information provided in this section is based on the Traffic Constraints Study prepared for the Vision Plan, which was prepared by RBF Consulting in March 2007 and revised in August 2007; refer to Appendix G-1.

The analysis was prepared in compliance with the following local, regional and state agencies and guidelines.

- City of Carlsbad, Growth Management Plan;
- San Diego Traffic Engineering Council/Institution of Transportation Engineers (SANTEC/ITE);
- County of San Diego; and,
- San Diego Association of Governments (SANDAG).

The methodology used to evaluate traffic impacts is described in detail in the traffic analysis; refer to Appendix G. Below is a brief summary of the methodology:

- Travel forecasts and trip generation for the proposed project was based on SANDAG trip generation rates in accordance with SANTEC/ITE traffic study guidelines.
- Traffic forecasts for the year 2030 were modeled from the North County Subarea Model, based on the SANDAG Series 10 model.
- Intersection Capacity Utilization (ICU) method described in the Carlsbad Growth Management Plan and the 2000 Highway Capacity Manual (HCM) were the basis for evaluating existing and future Level of Service (LOS) of the roadway intersections within the study area.
- SANTEC/ITE guidelines for road classifications and capacity thresholds were used to determine existing and future LOS for local and regional roadway segments.

San Diego Association of Governments (SANDAG)

It should be noted that the San Diego Association of Governments (SANDAG) has prepared the Regional Comprehensive Plan (RCP), which serves as the long-term planning framework for the San Diego region. The Ponto Area is included as part of the Smart Growth Concept Map. Therefore, development of the Ponto Area according to smart growth principles would be consistent with SANDAG's anticipated growth within the San Diego region.

The RCP provides a broad context in which local and regional decisions can be made that move the region toward a sustainable future. The RCP contains an incentive-based approach to encourage and channel growth into existing and future urban areas and smart growth communities. According to SANDAG, a smart growth community would be a compact, efficient, and environmentally sensitive pattern of development that provides people with

additional travel, housing, and employment choices by focusing future growth away from rural areas and closer to existing and planned job centers. Some principles of smart growth include reducing sprawl, encouraging using public transportation and walking, and providing jobs/housing balance.

As part of the RCP, SANDAG has prepared a Draft Smart Growth Concept Map, which contains almost 200 existing, planned, or potential smart growth locations. The map was circulated for review and comment at public workshops and city council presentations during April 2006, and accepted by the SANDAG Board of Directors for planning purposes for the Regional Transportation Plan (RTP) in June 2006.

5.6.1 Existing Conditions

5.6.1.1 Roadway Network

The major freeways and streets that would serve the Ponto Area include Interstate 5 (I-5), Carlsbad Boulevard, Aviara Parkway, Paseo Del Norte, Avenida Encinas, Palomar Airport Road, Poinsettia Lane, La Costa Avenue, and Ponto Drive. These roadways are described below:

Interstate 5 (I-5) provides regional access to the City of Carlsbad and to the Ponto Beachfront Village as a major freeway facility, generally oriented in a north-south direction. Regional access is provided at the Poinsettia Lane and La Costa Avenue interchanges with I-5. Additional interchanges to I-5 that could serve the project to the north include Palomar Airport Road and Cannon Road.

Carlsbad Boulevard is designated as a four-lane major arterial in the City Circulation Element and is generally oriented in a north-south direction. Carlsbad Boulevard provides a parallel alternative to Interstate 5 and is the western boundary of the Ponto Beachfront Village. As part of the Ponto Beachfront Village Vision Plan, Carlsbad Boulevard will be realigned. Carlsbad Boulevard will remain a four-lane roadway with a raised median and on street parking. Carlsbad Boulevard will provide direct access to the proposed Ponto Beachfront Village Vision Plan at two locations: Beach Way and Ponto Drive. Both intersections are forecast to be signalized and may have u-turn capabilities to accommodate beach traffic.

Aviara Parkway is designated as a four-lane secondary arterial south of Poinsettia Lane in the City Circulation Element. Aviara Parkway extends from Palomar Airport Road to El Camino Real and provides access to the Four Seasons Resort and Aviara Golf course east of the Ponto Beachfront Village Vision Plan site. Both are major attractors within in the study area. North of Palomar Airport Road, Aviara Parkway transitions to College Boulevard, which is classified as a major arterial. East of El Camino Real, Aviara Parkway transitions to Alga Road, which is classified as a major arterial.

Paseo Del Norte is designated as a two- to four-lane secondary arterial in the City Circulation Element that extends from Cannon Road to Poinsettia Lane parallel to Interstate 5.

Avenida Encinas is designated as a secondary roadway within the City Circulation Element and is oriented in a north-south direction. Between Cannon Road and Palomar Airport Road,

Avenida Encinas is a four-lane roadway. South of Palomar Airport Road, Avenida Encinas is a two-lane roadway to Poinsettia Lane. South of Poinsettia Lane to Windrose Circle, four lanes are currently provided along Avenida Encinas, which again tapers to two lanes south of Windrose Circle to Carlsbad Boulevard. Access to the Ponto Beachfront Village will be provided at Ponto Drive/Avenida Encinas. Both Ponto Drive and Avenida Encinas will pass through the property and connect to Carlsbad Boulevard at signalized intersections.

Palomar Airport Road is a six-lane divided roadway, generally oriented in an east-west direction. Palomar Airport Road is a Regionally Significant Arterial (RSA) as classified by the County of San Diego Congestion Management Program. It extends from Carlsbad Boulevard through Carlsbad where it transitions to San Marcos Boulevard, terminating at Mission Avenue in San Marcos. According to the City Circulation Element, Palomar Airport Road is classified as a six-lane prime arterial.

Poinsettia Lane is a four-lane major arterial located south of Palomar Airport Road and is oriented in an east-west direction. It extends from Carlsbad Boulevard to the west to Cassia Road, and is discontinuous to Skimmer Court. This segment of Poinsettia Lane is anticipated to be complete by the year 2010.

La Costa Avenue is classified as a ~~four-lane major arterial west of El Camino Real~~ two-lane local roadway from North Coast Highway 101 to the Interstate 5 interchange. West of El Camino Real, La Costa Avenue is classified as a four-lane major arterial. East of El Camino Real it is a 2-lane secondary arterial to Camino de los Coches.

Ponto Drive is designated as a two-lane collector and is oriented in a north-south direction. Although Ponto Drive is not currently a through street from Carlsbad Boulevard to Avenida Encinas, it does intersect at both streets. Ponto Drive currently intersects with Carlsbad Boulevard on the northern Ponto Beachfront Village boundary and is a signalized intersection. The intersection of Ponto Drive and Avenida Encinas is unsignalized, but is recommended for signalization with the proposed Ponto Beachfront Village Vision Plan.

5.6.1.2 Study Area

The study area was defined based on the distribution of trips associated with land use intensity as described in the Ponto Beachfront Village Vision Plan on the roadway network. Distribution data was obtained by modeling a select zone assignment using North County Subarea model based on the SANDAG Series 10 traffic model. The study area for the project consists of ~~34~~35 intersections and 20 roadway segments located within the vicinity of the proposed Vision Plan.

The list of study intersections for the traffic analysis was determined based on discussions with City staff and SANTEC/ITE and San Diego County Congestion Management Plan (CMP) guidelines. All CMP intersections with more than 50 peak hour trips and/or other intersections known to be at risk of future failing operations were included in the study area. The study intersections are provided on Figure 5.6-1.

5.6.1.3 Data Collection

To determine the existing conditions, peak hour intersection movement counts were obtained from the City of Carlsbad through the 2006 City of Carlsbad Traffic Monitoring Program

(TMP). In addition to the TMP data, intersection turning movement counts were collected in July 2006 at 10 additional intersections. The intersection movement counts were taken on a typical weekday during the AM (7:00 to 9:00 a.m.) and PM (4:00 to 6:00 p.m.) peak periods. Detailed count data is contained in Appendix A of Appendix G. In addition, weekday daily traffic counts were collected at 13 locations. Existing ADT volumes are provided in Figure 5.6-2. Figures 5.6-3 and 5.6-4 show existing AM and PM peak one-hour volumes at each of the study intersections.

The Carlsbad community voiced concerns that summer weekend traffic typically exceeded weekday peak hour volumes, particularly along the coast where tourism has an impact on traffic flow. Therefore, a preliminary assessment of weekend versus weekday traffic volumes was conducted. Weekend daily traffic counts were collected at 11 locations, and it was found that weekday traffic volumes collected during the summer were consistently higher than summer weekend traffic volumes both over a 24-hour period and during the peak periods. Weekday intersection operations typically reported worse levels of service when compared to weekend levels of service. Weekend versus weekday comparison worksheets are provided in Appendix B of Appendix G.

5.6.1.4 Level of Service

Traffic conditions are generally described in terms of Level of Service (LOS). LOS is measured in a scale ranging from LOS A to LOS F. LOS A is characterized by free-flow traffic conditions where drivers are virtually unaffected by the presence of other drivers on the road. LOS F is characterized by stop-and-go traffic, poor travel times, low comfort and convenience, and increased accident exposure. The City of Carlsbad classifies LOS in terms of acceptable (LOS A and B), marginal (LOS C and D) and failing (LOS E and F).

5.6.1.5 Existing Conditions Intersection Levels of Service

A total of 34 study area intersections were analyzed in the analysis for the proposed project. The study intersection operations were analyzed using the Intersection Capacity Utilization (ICU) method. The ICU method uses intersection movement volumes and per lane capacity to determine the volume-to-capacity (V/C) ratio of the intersection.

Intersection movement volumes for each intersection were determined by current traffic data in the 2006 City of Carlsbad Traffic Monitoring Program and additional traffic counts collected in July of 2006. The existing peak hour movement volumes for the study intersections are provided in Exhibit 4 of the traffic analysis; refer to Appendix G.

The capacities of the intersection movements were determined based on the following standards:

- 1,800 vehicles-per-hour (vph) for each left turn lane;
- 2,000 vph for each through-lane; and,
- 1,800 vph for each right-turn lane.

Based on the above standards and the existing intersection geometries, the capacities of the intersection movements were calculated. The V/C ratio was then calculated by dividing the intersection movement volumes by the intersection movement capacities.

The intersection LOS is based on the sum of the critical movements or the total intersection V/C ratio. The following V/C ratios are used to determine the LOS of the intersection:

- V/C of 0.00 to 0.60: LOS A
- V/C of 0.61 to 0.70: LOS B
- V/C of 0.71 to 0.80: LOS C
- V/C of 0.81 to 0.90: LOS D
- V/C of 0.91 to 1.00: LOS E
- V/C over 1.00: LOS F

The existing LOS of the study intersections for the AM and PM peak hours is summarized in Table 5.6-1. The results of the analysis show that all study intersections currently operate at an acceptable LOS (LOS A or B) or a marginal LOS (LOS C or D), based on the ICU methodology; refer to Table 5.6-1. The existing AM and PM LOS of the study intersections is graphically illustrated on Figures 5.6-3 and 5.6-4.

5.6.1.6 Existing Conditions Street Segment Analysis

The existing conditions Street Segment Analysis included a Peak Hour Segment Analysis. The LOS of the street segments within the study area were determined by calculating volume-to-capacity ratio (V/C) of the street segments. The V/C of a street segment is calculated by dividing the peak hour traffic volume (or average daily traffic volume) of the street segment by the peak hour capacity (or daily capacity) of the street segment. The following V/C ratios determine the LOS of the street segment:

- V/C of 0.00 to 0.60: LOS A
- V/C of 0.61 to 0.70: LOS B
- V/C of 0.71 to 0.80: LOS C
- V/C of 0.81 to 0.90: LOS D
- V/C of 0.91 to 1.00: LOS E
- V/C over 1.00: LOS F

The results of the Peak Hour Roadway Segment Analysis are provided in Table 5.6-2. All roadway segments included within the study area currently operate at an LOS of B or better.

The peak hour capacity of a street segment is determined by multiplying the number of vehicle lanes by 1,800 vehicles per hour. The daily capacity of a street segment is based upon the classification of the roadway and capacity thresholds defined in the SANTEC/ITE Guidelines. Peak hour and daily traffic volumes were determined by current traffic data in the 2006 City of Carlsbad TMP and additional traffic counts collected in July of 2006.

5.6.2 Thresholds for Determining Significance

Based upon Appendix G of the CEQA Guidelines, a project would normally have a significant adverse traffic impact if it results in any of the following evaluation criteria:

- Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections); or,
- Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways.

In addition to the threshold measures stated above, the following guidelines and standards specified by the City of Carlsbad and SANTEC/ITE were also considered to identify significant impacts resulting from the proposed project:

- The addition of trips generated by the land uses proposed in the Vision Plan results in a change in operating conditions from acceptable to deficient; or,
- When an intersection or roadway segment is operating at deficient service levels, the addition of trips generated by the proposed land use in the Vision Plan results in a change in V/C ratio of more than 2% (0.02) when compared to the no-build Vision Plan condition for roadway segments or intersections evaluated using the ICU methodology. For future year scenarios, an increase in delay of more than 2.0 seconds at a deficient intersection would result in a significant impact.

5.6.3 Environmental Impact

The potential traffic impacts associated with the proposed Vision Plan were evaluated under the following six scenarios in compliance with the City of Carlsbad and SANTEC/ITE guidelines.

1. **Existing Conditions** – Existing traffic volumes evaluated with the existing intersection geometry (refer to Section 5.6.1.5 and 5.6.1.6).
2. **Existing plus Vision Plan Conditions** – Forecast Ponto Beachfront Village traffic volumes added to the existing conditions traffic and evaluated with the existing intersection geometry (refer to Section 5.6.3.3).
3. **Near Term (2010) without Vision Plan** – Forecast year 2010 traffic volumes evaluated with 2010 future intersection geometry (refer to Cumulative Impact Analysis in Section 7.1.7).
4. **Near Term (2010) with Vision Plan** – Forecast year 2010 traffic volumes with proposed Ponto Beachfront Village forecast trips. Evaluated with 2010 future intersection geometry (refer to Cumulative Impact Analysis in Section 7.1.7).
5. **Horizon Year (2030) without Vision Plan Conditions** – Forecast 2030 traffic volumes with existing Ponto Area land uses evaluated with 2030 future intersection geometry (Traffic Impact Fee improvements). Refer to Section 5.6.3.4.
6. **Horizon Year (2030) with Vision Plan Conditions** – Forecast 2030 traffic volumes with proposed Ponto Vision Plan evaluated with 2030 future intersection geometry (Traffic Impact Fee improvements). Refer to Section 5.6.3.4.

5.6.3.1 Trip Generation

To determine the trips forecast to be generated by future development of the Ponto Area, as described in the proposed Ponto Beachfront Village Vision Plan, SANDAG trip generation rates (April 2002) were utilized in accordance with SANTEC/ITE Traffic Study Guidelines; refer to Table 5.6-3. Under the Ponto Beachfront Village Vision Plan, all existing land uses would gradually be replaced by a mixture of compatible land uses including hotel and resort uses, live/work condominium units, townhomes, apartments, office, retail and restaurants. Access to the Ponto Area would be provided along Carlsbad Boulevard, Ponto Drive and Avenida Encinas. Beach Way is proposed between Ponto Drive and Avenida Encinas. A summary of the anticipated land use types by acreage and number of units is listed in Table 5.6-4. Based on rates provided by SANDAG, the amount of traffic generated by these uses is also provided in Table 5.6-4.

As shown in Table 5.6-4, development of the Ponto Area as described in the Ponto Beachfront Village Vision Plan is forecast to generate approximately 15,161 vehicle trips daily, which includes approximately 964 AM peak hour trips (split 502 inbound and 462 outbound) and approximately 1,244 PM peak hour trips (split 729 inbound and 518 outbound).

It should be noted that the trip generation factors and final forecast generated conservative estimates that did not account for the following reduction factors recommended by SANDAG.

- The land uses included in the Ponto Beachfront Village Vision Plan lend themselves to both pass-by and diverted trips. Pass-by trips correspond to traffic that is currently on the roadway network that will make a stop within the Ponto Beachfront Village. They do not represent new trips on the roadway network, but an interim stop between an existing origin and destination. Diverted trips correspond to traffic currently on the roadway network that may shift from one origin or designation to the Ponto Beachfront Village based on the change of land use planned for this area. Once again, diverted trips are not new trips but redirected trips. Although SANDAG recommends trip reduction factors to account for both diverted and pass-by trips for the land uses, these factors were not applied in the traffic analysis in order to maintain a conservative analysis.
- Many uses planned within the Ponto Area as part of the Vision Plan are also consistent with the County of San Diego's Smart Growth program by balancing residential and commercial uses within a walkable distance. SANDAG recommends a 10 percent reduction in traffic for mixed-use projects that are consistent with the Smart Growth principles and can feasibly demonstrate that alternate modes such as walking, bicycling or transit are available. No trip reduction factors were applied to account for smart growth in order to maintain a conservative approach in the traffic analysis.

The forecast daily traffic based upon the land uses proposed in the Ponto Beachfront Village Vision Plan is consistent within the range of ADT allowed under the existing General Plan. The existing General Plan allows between approximately 12,700 and 15,400 daily trips, as shown in Table 5.6-3.

5.6.3.2 Trip Distribution and Assignment

Study intersections for the Ponto Beachfront Village Vision Plan were determined based on the SANTEC/ITE and County threshold of 50 peak-hour project-generated trips (5% of total forecast PM peak hour volume). To determine trip distribution and assignments, a select zone model run of the Vision Plan traffic analysis zone (TAZ) was performed using the North County Sub-Area traffic model, which is based on the SANDAG Series 10 model. The results of the model run were used to determine the trip distribution percentages throughout the study area. The Vision Plan trip distributions are shown on Figure 5.6-5.

Based on the trip distribution shown on Figure 5.6-5, the trips that would be generated by the land uses proposed by the Vision Plan were assigned to the roadway network. Figures 5.6-6 and 5.6-7 illustrate the AM and PM peak hour traffic volumes associated with the Ponto Beachfront Village Vision Plan for each intersection.

5.6.3.3 Existing Plus Vision Plan Conditions

This section includes an evaluation of the street segments and intersections within the study area under a scenario that combines existing traffic volumes with traffic volumes anticipated to be generated by land uses envisioned by the Vision Plan. Under this analysis, no offsite future improvements were assumed for the existing street and intersection system.

Existing Plus Vision Plan Intersection Level of Service

To conduct the Existing Plus Vision Plan Intersection Level of Service analysis, the peak hour intersection traffic volumes generated by the proposed Vision Plan were combined with the existing peak hour intersection traffic volumes to determine the Existing Plus Vision Plan Peak Hour Volumes.

The Existing Plus Vision Plan volumes were then evaluated using the ICU methodology. Detailed ICU calculations are provided in Appendix G. Table 5.6-5 summarizes the results of the analysis and determines the LOS of each study area intersection during the peak hours.

As shown in Table 5.6-5 and Figures 5.6-6 and 5.6-7, most intersections are forecast to operate at an acceptable LOS (LOS A or B) under Existing Plus Vision Plan traffic conditions, and the addition of the Ponto Beachfront Village Vision Plan would not result in a significant change in operating conditions when compared to existing conditions. However, the following intersection would operate at a deficient or “failing” LOS (LOS E or F) during the AM and PM peak hours with the proposed Vision Plan:

- La Costa Avenue / Vulcan Avenue

To determine if the Vision Plan’s contribution to the traffic impacts at this intersection is significant, the following threshold applies:

- When an intersection or roadway segment is operating at deficient service levels, the addition of trips generated by the proposed land use in the Vision Plan results in a change in V/C ratio of more than 2% (0.02) when compared to the Without Vision Plan condition for roadway segments or intersections evaluated using the ICU methodology.

Impact T-1 Based on Table 5.6-5, the Vision Plan would not result in a change in the V/C ratio of more than 2% when compared to the existing conditions. However, the proposed Vision Plan would result in significant impacts to the following intersection because traffic volumes associated with the Vision Plan would cause the LOS of the intersection to change from an acceptable/marginal LOS to a deficient (failing) LOS:

- La Costa Avenue / Vulcan Avenue

Street Segment

Peak Hour Segment Analysis

The results of the Existing Peak Hour Segment Analysis under Existing Plus Vision Plan conditions are provided in Table 5.6-6. All of the roadway segments are forecast to operate at an acceptable LOS during the peak hour segment analysis. Therefore, the existing roadway network has sufficient capacity to meet the forecast peak hour traffic associated with the land use designations as proposed in the Ponto Beachfront Village Vision Plan. Impacts would be considered less than significant.

5.6.3.4 Horizon Year (2030) Conditions

This section includes an evaluation of the intersections and street segments within the study area under 2030 conditions.

The Series 10 SANDAG North County Subarea model was used to forecast daily traffic volumes for the Horizon Year 2030 Conditions with the proposed land uses included in the Ponto Beach front Village Vision Plan. Turns reports provided by SANDAG were used in combination with daily forecast volumes to forecast peak hour intersection volumes; refer to Section 7.1.7 for the year 2010 analysis. The Subarea model assumes full build out of the City's Circulation Element roadway network by year 2030, with the following major improvements assumed to be in place in the City of Carlsbad in the near term (prior to 2010):

- Extension of El Fuerte from Palomar Airport Road to Faraday Avenue (2007)
- Construction of Faraday Avenue from El Camino to Melrose Drive (2007)
- Completion of Poinsettia Lane (2010)

The SANDAG 2030 model land use data set was modified to include the Ponto Beachfront Village Vision Plan proposed land use designations. The post-processed peak hour intersection and roadway segment volumes therefore include the Vision Plan. To determine the "without Vision Plan conditions for 2030," traffic associated with the Ponto Beachfront Village Vision Plan was extracted from the traffic model.

The City of Carlsbad collects fees from developments that support the improvements to existing infrastructure. Fees are collected based on the traffic volumes added by project. Through the City of Carlsbad Traffic Impact Fee (TIF) program, collected fees are used to construct roadway improvements and Capital Improvement Program (CIP) projects that benefit the circulation throughout the City. Improvements identified in the TIF are based on forecast intersection operations for Year 2030. Analysis of the study intersections and

roadway segments for the without and with Ponto Vision Plan take into consideration the improvements planned through the TIF.

Under the 2030 analysis, two scenarios were analyzed. The first scenario analyzed 2030 traffic without the land uses proposed by the Vision Plan. For this scenario, it was assumed that the Ponto Area would be developed with uses as defined by the existing General Plan land use designations for the site. The project would generate within a range of approximately 15,161–12,708 to 15,408 daily trips if the site were developed under the existing General Plan land use designations. Based on a trip distribution and assignment model, peak hour traffic volumes and average daily trip volumes were calculated for the study area intersections and street segments for this scenario (2030 Without Vision Plan); refer to Figures 5.6-8.

The second scenario analyzed 2030 traffic with the land uses proposed by the Vision Plan. The land uses proposed by the Vision Plan would generate approximately 15,161 daily trips. Based on a trip distribution and assignment model, peak hour traffic volumes and average daily trip volumes were calculated for the study area intersections and street segments for this scenario (2030 With Vision Plan); refer to Figure 5.6-9.

For both scenarios, the LOS for the study area intersections was analyzed using the delay-based 2000 Highway Capacity Manual (HCM) methodology for all future conditions. The HCM methodology describes the operation of an intersection using a range of levels of service (LOS) from LOS A (free-flow conditions) to LOS F (severely congested conditions), based on corresponding average stopped delay per vehicle. The results are discussed below.

Horizon Year (2030) Intersection Level of Service

Table 5.6-7 summarizes the results of the Horizon Year (2030) Peak Hour Intersection LOS - HCM analysis for both scenarios (Without the Vision Plan and With the Vision Plan).

As shown on Table 5.6-7 most intersections would operate at an acceptable (LOS A or B) or marginal LOS (LOS C or D) in the year 2030 under both scenarios (Without the Vision Plan and With the Vision Plan); refer to Figures 5.6-8 through 5.6-11. The following intersections are forecast to operate at a failing or deficient LOS (LOS E or F) under both scenarios (2030 Without Vision Plan and 2030 With the Vision Plan):

- Palomar Airport Road / I-5 Northbound Ramps;
- Palomar Airport Road / El Camino Real;
- Palomar Airport Road / El Fuerte Street;
- Palomar Airport Road / Melrose Drive;
- El Camino Real / Camino Vida Roble;
- La Costa Avenue / Carlsbad Boulevard;
- La Costa Avenue / El Camino Real; and,
- La Costa Avenue / Vulcan Avenue.

To determine if the Vision Plan's contribution to the above impacts are significant, the following threshold applies:

- When an intersection or roadway segment is operating at deficient service levels, the addition of trips generated by the proposed land use in the Vision Plan results in an increase in delay of more than 2.0 seconds when compared to the Without Vision Plan condition.

Impact T-2 As shown in Table 5.6-7, the traffic generated by the Vision Plan would result in a change in delay of more than 2.0 seconds when compared to the 2030 Without the Vision Plan analysis at two intersections:

- La Costa Avenue / ~~Carlsbad Boulevard~~ North Coast Highway 101; and,
- La Costa Avenue / Vulcan Avenue.

Therefore, the Vision Plan's impact on the above intersections would be considered significant and mitigation measures would be required.

Horizon Year (2030) Peak Hour Road Segment Analysis

The results of the 2030 Peak Hour Segment Analysis and Daily Segment Analysis are discussed below.

Peak Hour Street Segments

Peak hour segment LOS was calculated by taking the greatest one-way traffic volume in either direction and dividing that volume by the segment peak hour capacity. A maximum capacity of 1,800 vehicles per hour per lane (vphpl) was used in this calculation, regardless of roadway classification. The LOS thresholds based on V/C ratios for segments are given in Section 5.6.1.6.

Impact T-3 Table 5.6-8 summarizes the results of the Horizon Year (2030) Peak Hour Roadway Segment analysis without and with land use designations as described in the Ponto Beachfront Village Vision Plan. The segment capacities are based on the buildout of the City Circulation Element roadway network. Most roadway segments are forecasted to operate at acceptable levels of service by year 2030 without and with the proposed land uses included in the Ponto Beachfront Village Vision Plan. However, the segment of La Costa Avenue from Vulcan Avenue to I-5 is forecast to operate at LOS F in the westbound direction in the PM peak hour. This condition is forecasted to occur without or with the land uses identified in the Ponto Beachfront Village Vision Plan. The change in V/C ratio exceeds the LOS threshold of 0.02 and is considered significant. The City of Encinitas Circulation Element identifies La Costa Avenue as a four-lane arterial through this segment, but has no immediate ~~or long-term~~ plans to construct the widening. The widening was made a condition of approval for the North 101 Corridor Specific Plan. Widening by one lane in the westbound direction, in coordination with planned intersection improvements at Vulcan Avenue and La Costa Avenue (see Section 5.6.5), would reduce the V/C ratio to an acceptable operating condition based on City of Carlsbad thresholds; refer to Appendix G.

Caltrans ILV Analysis

Because of the project's proximity to Interstate 5 (I-5), a state-owned facility, six Caltrans ramps were evaluated using the Intersection Lane Volume (ILV) methodology in accordance with Caltrans traffic study requirements. The results of the analysis show that of the six

ramps evaluated, five are forecast to operate within the available capacity through 2030 without or with the proposed land use designations included in the Ponto Beachfront Village Vision Plan. The intersection of Palomar Airport Road/I-5 Northbound Ramps is forecasted to operate above capacity in the AM peak hour without or with the land uses identified in the Vision Plan; refer to Table 5.6-9.

5.6.3.5 Carlsbad Boulevard Realignment

Access to the Ponto Area will be provided by Avenida Encinas, Ponto Drive and Carlsbad Boulevard. Signalized access will be provided at Avenida Encinas/Ponto Drive (new signal), Carlsbad Boulevard/Ponto Drive (existing signal) and the future signalized intersection of Carlsbad Boulevard/Beach Way.

As mentioned previously, a realignment study was conducted for Carlsbad Boulevard. Four alternatives were evaluated for potential effects to biology, visual resources, parking, signal operations and bridge requirements, as well as for their potential to achieve the goals of the Vision Plan. The alternatives for realigning Carlsbad Boulevard would involve relocation of either the northbound or southbound lanes between Ponto Drive and Avenida Encinas to create additional area on either side of Carlsbad Boulevard that will allow for improved bicycle lanes, additional trails and/or wider sidewalks and parking. In most cases, the realignment of Carlsbad Boulevard would allow for a pedestrian undercrossing from the Ponto Beachfront Village Vision Plan area to the Carlsbad State Beach. This would significantly reduce pedestrian traffic crossing Carlsbad Boulevard.

Alternative #2 is the alignment of Carlsbad Boulevard analyzed as part of the project in the EIR with respect for potential environmental impacts. With Alternative #2, the southbound lanes would be shifted to the east, thereby providing additional area on the west side of Carlsbad Boulevard for on-street parking and an enhanced multi-purpose trail.

Two traffic lanes (12 feet each) would be provided in each direction along with northbound and southbound dedicated left turn lanes (12 feet each). The median would be 18 feet allowing for adequate width for u-turning movements along Carlsbad Boulevard to access the beachfront parking. The wide median would also allow for enhanced landscaping that would be cohesive with the landscaping and design to the north, completed as part of the Hanover Colony.

Parking along Carlsbad Boulevard would be maintained with a total of 61 proposed diagonal parking spaces and 48 parallel parking spaces. Diagonal parking spaces would be separated from the flow of traffic along Carlsbad Boulevard by a raised median.

5.6.4 Mitigation Measures

~~According to the peak-hour roadway segment operating conditions, all roadway segments are forecast to operate at acceptable levels of service without or with the proposed land uses included in the Ponto Beachfront Village Vision Plan. Therefore, no mitigation is required.~~

As analyzed in Section 5.6.3, implementation of the proposed Ponto Beachfront Village Vision Plan would significantly impact two intersections under Existing Plus Vision Plan and 2030 With Vision Plan conditions and La Costa Avenue roadway segment. The intersections that would be significantly impacted include:

- La Costa Avenue / Vulcan Avenue; and,
- La Costa Avenue / ~~Carlsbad Boulevard~~North Coast Highway 101.

5.6.4.1 Mitigation Measures for Significantly Impacted Intersections

The following mitigation measures are required to mitigate the significant intersection impacts of the proposed project:

T-1: Impacts to the affected intersections shall be mitigated by implementation of the following improvements:

- La Costa Avenue / Vulcan Avenue: ~~Alternative 1: Install traffic signal (with La Costa widening to four lanes) or Alternative 2: Restrict left turn access to~~ facilitate intersection improvements.

~~The City of Carlsbad shall update the City's Capital Improvement Program (CIP) to include the improvements listed in Mitigation Measure T-1. The CIP shall determine the timing of the intersection improvements, which shall be based on triggering mechanisms and/or thresholds to be identified in the CIP. Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution towards the improvements listed in Mitigation Measure T-1. The payment of fees shall be secured and recorded by the City Engineer prior to issuance of demolition, grading, and/or building permits and to the satisfaction of the City of Carlsbad Director of Public Works.~~

Prior to the issuance of a building permit, developers within the Ponto Area shall pay a pro-rata fair share contribution to the La Costa Avenue / Vulcan Avenue improvement.

The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADT's.

This intersection is located within the jurisdiction of the City of Encinitas and the improvements to this intersection are already required mitigation as part of the City of Encinitas adopted North 101 Corridor Specific Plan and have been included in the City of Encinitas Capital Improvement Program (CIP). Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution towards the improvements listed in Mitigation Measure T-1.

Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue / Highway 101 and La Costa Avenue / Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate based on current information. Annual adjustments shall be made as described in Appendix G-2. As shown in Figures 5.6-8 and 5.6-9, the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent (5,003 ADT / 18,300 ADT = 27%) of the

total cost, or \$1,440,450 ($\$5,335,000 \times 0.27 = \$1,440,450$). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area based on the traffic they contribute to the intersection.

T-2: Impacts to the affected intersections shall be mitigated by implementation of the following improvements:

- La Costa Avenue / ~~Carlsbad Boulevard~~North Coast Highway 101: Widen north leg to include two left turn lanes and two through lanes, and widen east leg to include two left turn lanes and one right turn lane.

The City of Carlsbad shall update the City's Capital Improvement Program (CIP) to include the improvements listed in Mitigation Measure T-2. The CIP shall determine the timing of the intersection improvements, which shall be based on triggering mechanisms and/or thresholds to be identified in the CIP. Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution towards the improvements listed in Mitigation Measure T-2. The payment of fees shall be secured and recorded by the City Engineer prior to issuance of demolition, grading, and/or building permits and to the satisfaction of the City of Carlsbad Director of Public Works.

Prior to the issuance of a building permit, developers within the Ponto Area shall pay a pro-rata fair share contribution to the La Costa Avenue / North Coast Highway 101 improvement.

The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADT's.

This intersection is located within the jurisdiction of the City of Encinitas. The improvements to this intersection are already required as mitigation as part of the City of Encinitas adopted North 101 Corridor Specific Plan, and other development projects located within the City of Encinitas and are included in the City of Encinitas CIP. Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution to the City of Encinitas towards the improvements listed in Mitigation Measure T-2.

Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue / Highway 101 and La Costa Avenue / Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate only based on current information. Annual adjustments shall be made as described in Appendix G-2. As shown in Figures 5.6-8 and 5.6-9, the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent ($5,003 \text{ ADT} / 18,300 \text{ ADT} = 27\%$) of the total cost, or \$1,440,450 ($\$5,335,000 \times 0.27 = \$1,440,450$). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area based on the traffic they contribute to the intersection.

5.6.4.2 Mitigation Measures for Significantly Impacted Peak Hour Roadway Segments

As analyzed in Section 5.6.3, potential peak hour impacts would occur to La Costa Avenue under 2030 traffic volumes.

T-3: Potential impacts to La Costa Avenue between Vulcan Avenue and Interstate 5 are mitigated to less than significant with the implementation of mitigation measures T-1 and T-2.

5.6.5 Impact After Mitigation

5.6.5.1 Impact after Mitigation for Significantly Impacted Intersections

With the implementation of the mitigation measures T-1 and T-2, the proposed project would have less than significant impacts on the study area intersections. Table 5.6-10 demonstrates that the proposed mitigation would reduce the anticipated delay at the impacted intersections. The LOS associated with the deficient intersections would meet the LOS criteria established by the City of Carlsbad Growth Improvement—Management Plan and the regional requirements set by SANTEC/ITE. Therefore, direct impacts to intersections would be considered less than significant with mitigation.

The improvements are within the jurisdiction and the responsibility of the City of Encinitas. The City of Encinitas adopted an Addendum to the previously certified North 101 Corridor Specific Plan EIR on April 23, 2007, with Resolution 97-24 (Please see Appendix G-2). The resolution incorporated the mitigation measure to complete improvements at the Highway 101 / La Costa / Carlsbad Boulevard intersection and to widen La Costa Avenue to four lanes through the Vulcan Avenue intersection. With the approval of Resolution 97-24, the City adopted the finding that the mitigation measures identified were feasible and binding on the City and future applicants within the Specific Plan area. The City of Encinitas Engineering Services Department is required to implement these mitigation measures when the traffic conditions exceed LOS D, which the City of Encinitas determined would occur with the implementation of the North 101 Corridor Specific Plan. The City of Encinitas has included these improvements in their CIP.

Furthermore, the City of Encinitas approved the Shoreline Resort Timeshare Hotel (00-201 DR/CDP/MUP/EIR), Coral Cove (00-090 TM/DR/CDP/MUP), and the Encinitas Resort Hotel (89-014 TPM/MUP/DR/V and 99-001TE) developments which are required to construct improvements to the Highway 101 / La Costa / Carlsbad Boulevard intersection and the La Costa Avenue / Vulcan Avenue intersection.

Through Resolution No. 2005-34, the City of Encinitas adopted the mitigation measure for the Shoreline Resort to make improvements to the La Costa Avenue / Highway 101 intersection in accordance with the ultimate lane configurations for Highway 101 and La Costa Avenue. Through Resolutions 2006-25 and 2006-29, the City of Encinitas adopted the mitigation measure and street condition for the Coral Cove residential project to make improvements to the La Costa Avenue / Vulcan Avenue intersection. Through Resolutions 91-38 and 99-19, the City of Encinitas adopted street conditions for the Encinitas Resort Hotel to include “traffic signal re-work, Highway 101 and La Costa Avenue, median pockets and turning lanes on Highway 101, curb and sidewalk along frontage of Highway 101.”

Additionally, the street conditions require “the developer shall pay a pro-rata share for the installation or modification of the traffic signals at Highway 101 and La Costa Avenue prior to building permit issuance.” The conditions of approval are included in Appendix G-2. In addition, the fair share contributions made by developers within the Ponto Beachfront Village Vision Plan would be used to assist in the funding of these improvements.

Based on the adopted findings and mitigation measures in the Resolutions listed above, the City of Encinitas is required to complete these improvements (improvements at the Highway 101 / La Costa / Carlsbad Boulevard intersection and to widen La Costa Avenue to four lanes through the Vulcan Avenue intersection) with or without the Ponto Beachfront Village Vision Plan project. Local traffic models used by the City of Encinitas and regional traffic models used by SANDAG are based on existing General Plan land use designations for the Vision Plan area. The Ponto Beachfront Village Vision Plan does not propose to change any existing General Plan Land Use designations in the Ponto Beachfront Village Vision Plan area. Therefore, traffic projections based off existing General Plan designations used at the time the North 101 Corridor Specific Plan traffic analysis was prepared remain accurate as the General Plan Land Use designations in the Vision Plan area have not changed since that time and, as previously mentioned, are not proposed for change with the project.

In addition, the City of Carlsbad will pay a pro-rata share of the estimated construction costs of the improvements to the North Highway 101 / La Costa Avenue / Carlsbad Avenue intersection and La Costa Avenue roadway and bridge improvements from North Highway 101 (Carlsbad Boulevard) to Vulcan Avenue and a transition back to two lanes east of Vulcan Avenue. The total pro-rata share of the Ponto Beachfront Vision Plan developments will total \$1,440,450. The total cost of the roadway and bridge estimates were based upon a cost estimate prepared by the City of Carlsbad. The cost estimate was based upon a preliminary design, professional appraisals, and current construction costs. Cost estimates shall be adjusted on an annual basis as described in Appendix G-2.

The City of Encinitas determined that the required improvements to the Highway 101 / La Costa / Carlsbad Boulevard intersection and to La Costa Avenue from the intersection through Vulcan Avenue would improve driving conditions to an acceptable level of service (LOS D or better). The improvements at the Highway 101 / La Costa Avenue intersection would add capacity to the intersection by adding additional left turn lanes, which provide more storage for cars waiting to make left turns through the intersection. The additional storage reduces the congestion at the intersection from cars waiting to make a left turn, which would otherwise block through traffic. Therefore, as shown in Table 5.6-10, potential impacts are reduced to less than significant.

In the adopted mitigation language for the North 101 Corridor Specific Plan, the City of Encinitas determined the required improvements to widen La Costa Avenue to four lanes through the Vulcan Avenue intersection would improve driving conditions on La Costa Avenue to acceptable levels of service. The mitigation language states the roadway improvements are to occur through the intersection. At the time the roadway width is increased from two to four lanes the intersection improvements will need to occur as well to match the new roadway configuration. The improvements to La Costa Avenue would increase the capacity of the roadway segment and reduce drive times and congestion on this segment. Furthermore, the congestion on the La Costa Avenue segment between Vulcan Avenue and Interstate 5 occurs at the La Costa Avenue/Vulcan Avenue intersection. By

reducing delays at that intersection, congestion on the roadway will be reduced and the segment will operate at an acceptable level of service (LOS D or better). The improvements will allow cars to get to and from Interstate 5 and the La Costa Avenue/North Coast Highway 101 intersection faster and as a result, increase the LOS to acceptable levels, as shown in Table 5.6-10. The proposed mitigation reduces the proposed project's contribution to potential impacts under the projected 2030 traffic volumes. Therefore, potential impacts to the La Costa Avenue segment are reduced to less than significant.

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Table 5.6-1
Existing Conditions – Peak Hour Intersection LOS (ICU Methodology)

INTERSECTION	Existing			
	AM		PM	
	V/C	LOS	V/C	LOS
Palomar Airport Road / Avenida Encinas	0.614	B	0.790	C
Palomar Airport Road / I-5 SB Ramps	0.529	A	0.503	A
Palomar Airport Road / I-5 NB Ramps	0.752	C	0.736	C
Palomar Airport Road / Paseo Del Norte	0.711	C	0.859	D
Palomar Airport Road / Armada Drive	0.505	A	0.772	C
Palomar Airport Road / Hidden Valley Road	0.507	A	0.729	C
Palomar Airport Road / College Boulevard	0.491	A	0.786	C
Palomar Airport Road / Camino Vida Roble	0.596	A	0.622	B
Palomar Airport Road / El Camino Real	0.680	B	0.857	D
Palomar Airport Road / El Fuerte St.	0.871	D	0.723	C
Palomar Airport Road / Melrose Drive	0.685	B	0.831	D
Carlsbad Boulevard / Island Way	0.316	A	0.399	A
Carlsbad Boulevard / Breakwater Road	0.318	A	0.391	A
Carlsbad Boulevard / Poinsettia Lane	0.510	A	0.492	A
Poinsettia Lane / Avenida Encinas	0.431	A	0.646	B
Poinsettia Lane / I-5 SB Ramps	0.476	A	0.654	B
Poinsettia Lane / I-5 NB Ramps	0.639	B	0.582	A
Poinsettia Lane / Paseo Del Norte	0.552	A	0.796	C
Paseo Del Norte / Camino del las Ondas	0.483	A	0.412	A
Poinsettia Lane / Batiquitos Drive	0.625	B	0.553	A
Poinsettia Lane / Aviara Parkway	0.453	A	0.595	A
El Camino Real / Cassia Road	0.533	A	0.539	A
El Camino Real / Camino Vida Roble	0.413	A	0.539	A
Carlsbad Boulevard / Ponto Drive	<u>0.377</u>	A	0.378	A
<i>Carlsbad Boulevard / Beach Way (Future)</i>	--	--	--	--
Carlsbad Boulevard / Avenida Encinas	0.400	A	0.395	A
<i>Ponto Drive / Avenida Encinas</i>	--	--	--	--
La Costa Avenue / <u>N. Coast Highway 101</u>	0.581	A	0.629	B
<i>La Costa Avenue / Vulcan Avenue</i>	27.8	D	21.0	C
La Costa Avenue / I-5 SB Ramps	0.539	A	0.571	A
La Costa Avenue / I-5 NB Ramps	0.606	B	0.594	A
La Costa Avenue / Piraeus St.	0.542	A	0.533	A
El Camino Real / La Costa Avenue	0.866	D	0.711	C
<u>N. Coast Highway 101</u> / Leucadia Avenue	<u>0.555</u>	A	<u>0.610</u>	<u>B</u>
<u>La Costa Ave / Sheridan Rd</u>	<u>10.8</u>	<u>B</u>	<u>15.0</u>	<u>C</u>

*Italic - Unsignalized Intersection. Deficient intersections shown in **BOLD**.*

Table 5.6-2
Existing Conditions – Peak Hour Roadway Segment LOS

Location		Direction (Lanes)	Capacity	A.M.			P.M.		
				Volume	V/C	LOS	Volume	V/C	LOS
Carlsbad Blvd.	Palomar Airport Road to Island Way	NB (2)	3,600	357	0.10	A	836	0.23	A
		SB (2)	3,600	801	0.22	A	801	0.22	A
	Island Way to Breakwater Road	NB (2)	3,600	362	0.10	A	842	0.23	A
		SB (2)	3,600	786	0.22	A	760	0.21	A
	Breakwater Road to Poinsettia Lane	NB (2)	3,600	354	0.10	A	888	0.25	A
		SB (2)	3,600	783	0.22	A	789	0.22	A
	Poinsettia Lane to Ponto Drive	NB (2)	3,600	364	0.10	A	905	0.25	A
		SB (2)	3,600	791	0.22	A	780	0.22	A
	Ponto Drive to Beach Way	NB (2)	3,600	280	0.08	A	903	0.25	A
		SB (2)	3,600	854	0.24	A	723	0.20	A
	Beach Way to Avenida Encinas	NB (2)	3,600	367	0.10	A	849	0.24	A
		SB (2)	3,600	915	0.25	A	714	0.20	A
	Avenida Encinas to La Costa Avenue	NB (2)	3,600	493	0.14	A	1,012	0.28	A
		SB (2)	3,600	1,102	0.31	A	902	0.25	A
Avenida Encinas	Cannon Road to Palomar Airport Road	NB (2)	3,600	462	0.13	A	495	0.14	A
		SB (2)	3,600	247	0.07	A	475	0.13	A
	Palomar Airport to Poinsettia Lane	NB (1)	1,800	178	0.10	A	549	0.31	A
		SB (1)	1,800	370	0.21	A	306	0.17	A
	Poinsettia Lane to Windrose Circle	NB (2)	3,600	326	0.09	A	612	0.17	A
		SB (2)	3,600	456	0.13	A	554	0.15	A
	Windrose Circle to Carlsbad Boulevard	NB (1)	1,800	147	0.08	A	197	0.11	A
		SB (1)	1,800	208	0.11	A	222	0.12	A
College Blvd.	El Camino Real to Palomar Airport Road	NB (2)	3,600	895	0.25	A	364	0.10	A
		SB (2)	3,600	204	0.06	A	868	0.24	A
Aviara Pkw.	Palomar Airport Road to Poinsettia Lane	NB (2)	3,600	723	0.20	A	385	0.11	A
		SB (2)	3,600	201	0.06	A	705	0.20	A
	Poinsettia Lane to Batiquitos Drive	NB (2)	3,600	524	0.15	A	549	0.15	A
		SB (2)	3,600	387	0.11	A	855	0.24	A
Paseo del Norte	Cannon Road to Palomar Airport Road	NB (2)	3,600	459	0.13	A	714	0.20	A
		SB (2)	3,600	287	0.08	A	684	0.19	A

Table 5.6-2 continued

Location		Direction (Lanes)	Capacity	A.M.			P.M.		
				Volume	V/C	LOS	Volume	V/C	LOS
Paseo del Norte	Camino Del Parque to Camino del Las Ondas	NB (1)	1,800	411	0.23	A	595	0.33	A
		SB (1)	1,800	271	0.15	A	507	0.28	A
	Camino del Las Ondas to Poinsettia Lane	NB (1)	1,800	46	0.03	A	27	0.02	A
		SB (1)	1,800	28	0.02	A	61	0.03	A
El Camino Real	Faraday Avenue to Palomar Airport Road	NB (3)	5,400	1,488	0.28	A	1,433	0.27	A
		SB (3)	5,400	1,279	0.24	A	1,751	0.32	A
	Palomar Airport Road to Camino Vida Roble	NB (3)	5,400	1,029	0.19	A	1,480	0.27	A
		SB (3)	5,400	1,336	0.25	A	1,267	0.23	A
	Camino Vida Roble to Cassia Road	NB (2)	3,600	1,242	0.35	A	1,168	0.32	A
		SB (3)	5,400	1,178	0.22	A	1,396	0.26	A
	Cassia Road to La Costa Avenue	NB (3)	5,400	1,352	0.25	A	2,038	0.38	A
		SB (2)	3,600	1,843	0.51	A	1,972	0.55	A
Palomar Airport Road	Avenida Encinas to I-5	EB (3)	5,400	591	0.11	A	1,089	0.20	A
		WB (3)	5,400	842	0.16	A	817	0.15	A
	I-5 to Paseo del Norte	EB (3)	5,400	2,428	0.45	A	1,708	0.32	A
		WB (3)	5,400	1,075	0.20	A	2,598	0.48	A
	Paseo del Norte to Armada Drive	EB (3)	5,400	2,365	0.44	A	1,662	0.31	A
		WB (3)	5,400	1,044	0.19	A	2,494	0.46	A
	Armada Drive to Hidden Valley Road	EB (3)	5,400	2,366	0.44	A	1,544	0.29	A
		WB (3)	5,400	1,306	0.24	A	2,211	0.41	A
	Hidden Valley Road to College Boulevard	EB (3)	5,400	2,321	0.43	A	1,493	0.28	A
		WB (3)	5,400	1,299	0.24	A	2,145	0.40	A
	College Boulevard to Camino Vida Roble	EB (3)	5,400	1,509	0.28	A	1,407	0.26	A
		WB (3)	5,400	1,017	0.19	A	1,632	0.30	A
	Camino Vida Roble to El Camino Real	EB (3)	5,400	1,122	0.21	A	1,469	0.27	A
		WB (3)	5,400	1,209	0.22	A	1,260	0.23	A
	El Camino Real to El Fuerte Street	EB (3)	5,400	1,620	0.30	A	3,141	0.58	A
		WB (3)	5,400	2,612	0.48	A	1,630	0.30	A
	El Fuerte Street to Melrose Drive	EB (3)	5,400	1,127	0.21	A	3,360	0.62	B
		WB (3)	5,400	2,681	0.50	A	1,517	0.28	A
Poinsettia Lane	Carlsbad Boulevard to Avenida Encinas	EB (2)	3,600	198	0.06	A	329	0.09	A
		WB (2)	3,600	534	0.15	A	397	0.11	A

Table 5.6-2 continued

Location		Direction (Lanes)	Capacity	A.M.			P.M.		
				Volume	V/C	LOS	Volume	V/C	LOS
Poinsettia Lane	Avenida Encinas to I-5	EB (2)	3,600	483	0.13	A	882	0.25	A
		WB (2)	3,600	1,015	0.28	A	795	0.22	A
	I-5 to Paseo del Norte	EB (2)	3,600	1,010	0.28	A	1,440	0.40	A
		WB (2)	3,600	1,092	0.30	A	1,243	0.35	A
	Paseo Del Norte to Batiquitos Drive	EB (2)	3,600	871	0.24	A	1,109	0.31	A
		WB (2)	3,600	824	0.23	A	970	0.27	A
	Batiquitos Drive to Aviara Parkway	EB (2)	3,600	767	0.21	A	807	0.22	A
		WB (2)	3,600	419	0.12	A	793	0.22	A
	Aviara Parkway to Cassia Road	EB (2)	3,600	54	0.02	A	110	0.03	A
		WB (2)	3,600	91	0.03	A	82	0.02	A
La Costa Ave.	Carlsbad Boulevard to Vulcan Avenue	EB (1)	1,800	356	0.20	A	475	0.26	A
		WB (1)	1,800	528	0.29	A	465	0.26	A
	Vulcan Avenue to I-5	EB (1)	1,800	434	0.24	A	515	0.29	A
		WB (1)	1,800	632	0.35	A	523	0.29	A
	I-5 to Piraeus Street	EB (2)	3,600	1,388	0.39	A	1,379	0.38	A
		WB (2)	3,600	1,102	0.31	A	1,250	0.35	A
	Piraeus Street to El Camino Real	EB (2)	3,600	1,081	0.30	A	1,356	0.38	A
		WB (2)	3,600	1,109	0.31	A	1,153	0.32	A
	East of El Camino Real	EB (2)	3,600	377	0.10	A	850	0.24	A
		WB (2)	3,600	729	0.20	A	644	0.18	A
Ponto Drive	Carlsbad Boulevard to Avenida Encinas	EB (1)	1,800	37	0.02	A	27	0.01	A
		WB (1)	1,800	19	0.01	A	41	0.02	A

Note: Deficient roadway segment operation shown in **bold**. (#) Number of lanes.

**Table 5.6-3
Existing General Plan Land Use Trip Generation**

GP Land Use	Units	Amount	ADT
T-R Travel/Recreation Commercial ¹	ac	1.24	372
RMH/T-R Residential Medium High OR Travel/Recreation Commercial			
Travel/Recreation Commercial ²	ac	8.75	3,500
Residential Medium High ³	du	100	800
RMH Residential Medium High ³	du	48	384
UA Unplanned Area			
Travel/Recreation Commercial ⁴	sf	58,000	2320
NC Neighborhood Commercial ⁴	sf	61,000	7,320
RMH Residential Medium High ⁴	du	44	352
T-R Travel/Recreation Commercial ⁵	ac	11.6	1160
Total Daily Trips			from 12,708
			to 15,408

¹Hotel w/ conference facilities

²Specialty Retail

³11.5 dwelling units/acre per Growth Management control point

⁴Per LFMP Zone 9

⁵Resort Hotel

**Table 5.6-4
Ponto Beachfront Village Vision Plan Forecast Traffic**

Land Use	Units	Amount	ADT	AM Peak			PM Peak		
				Total	In	Out	Total	In	Out
Hotel w/conference facilities/restaurant	ROOM	215	2,150	129	77	52	172	103	69
Specialty Retail	KSF	6	240	7	4	3	22	11	11
Hotel Units	ROOM	216	2,160	130	78	52	173	104	69
Apartments	DU	24	144	12	2	9	13	9	4
Live/work Units	DU	9	72	6	1	5	7	5	2
Resort	ROOM	126	1,008	50	30	20	71	28	43
Hotel w/ 5,000 sf banquet facilities	ROOM	180	1,800	108	65	43	144	86	58
Town homes (Condos)	DU	128	1,024	82	16	66	102	72	31
Specialty Retail	KSF	9.25	370	11	7	4	33	17	17
Flex Restaurant/Retail	KSF	23.3	3,728	298	149	149	298	179	119
Park (Developed)	ACRE	0.75	15	2	1	1	1	1	1
Hotel	ROOM	53	530	32	19	13	42	25	17
Specialty Retail	KSF	12	480	14	9	6	43	22	22
Restaurant - Sit-Down, high turnover	KSF	5	800	64	32	32	64	38	26
Specialty Retail	KSF	16	640	19	12	8	58	29	29
TOTAL			15,161	964	502	462	1,244	729	518

Table 5.6-5
Existing Plus Vision Plan Peak Hour Intersection LOS (ICU)

INTERSECTION	Existing				Existing + Vision Plan				Change in V/C	
	AM		PM		AM		PM		AM	PM
	V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS		
Palomar Airport Rd / Avenida Encinas	0.614	B	0.790	C	0.623	B	0.800	C	0.009	0.010
Palomar Airport Rd / I-5 SB Ramps	0.529	A	0.503	A	0.530	A	0.504	A	0.001	0.001
Palomar Airport Rd / I-5 NB Ramps	0.752	C	0.736	C	0.753	C	0.742	C	0.001	0.006
Palomar Airport Rd / Paseo Del Norte	0.711	C	0.859	D	0.711	C	0.863	D	0.000	0.004
Palomar Airport Rd / Armada Dr	0.505	A	0.772	C	0.505	A	0.772	C	0.000	0.000
Palomar Airport Rd / Hidden Valley Rd	0.507	A	0.729	C	0.529	A	0.730	C	0.022	0.001
Palomar Airport Rd / College Blvd	0.491	A	0.786	C	0.491	A	0.801	D	0.000	0.015
Palomar Airport Rd / Camino Vida Roble	0.596	A	0.622	B	0.596	A	0.622	B	0.000	0.000
Palomar Airport Rd / El Camino Real	0.680	B	0.857	D	0.680	B	0.861	D	0.000	0.004
Palomar Airport Rd / El Fuerte St	0.871	D	0.723	C	0.873	D	0.725	C	0.002	0.002
Palomar Airport Rd / Melrose Dr	0.685	B	0.831	D	0.686	B	0.833	D	0.001	0.002
Carlsbad Blvd / Island Way	0.316	A	0.399	A	0.328	A	0.407	A	0.012	0.008
Carlsbad Blvd / Breakwater Rd	0.318	A	0.391	A	0.331	A	0.399	A	0.013	0.008
Carlsbad Blvd / Poinsettia Ln	0.510	A	0.492	A	0.641	B	0.749	C	0.131	0.257
Poinsettia Ln / Avenida Encinas	0.431	A	0.646	B	0.519	A	0.747	C	0.088	0.101
Poinsettia Ln / I-5 SB Ramps	0.476	A	0.654	B	0.625	B	0.844	D	0.149	0.190
Poinsettia Ln / I-5 NB Ramps	0.639	B	0.582	A	0.730	C	0.705	C	0.091	0.123
Poinsettia Ln / Paseo Del Norte	0.552	A	0.796	C	0.577	A	0.847	D	0.025	0.051
Paseo Del Norte / Camino del las Ondas	0.483	A	0.412	A	0.506	A	0.440	A	0.023	0.028
Poinsettia Ln / Batiquitos Dr	0.625	B	0.553	A	0.640	B	0.570	A	0.015	0.017
Poinsettia Ln / Aviara Parkway	0.453	A	0.595	A	0.463	A	0.624	B	0.010	0.029
El Camino Real / Cassia Rd	0.533	A	0.539	A	0.538	A	0.600	B	0.005	0.061
El Camino Real / Camino Vida Roble	0.413	A	0.539	A	0.415	A	0.541	A	0.002	0.002
Carlsbad Blvd / Ponto Dr	<u>0.377</u>	A	0.378	A	0.479	A	0.618	B	0.135	0.240
<i>Carlsbad Blvd / Beach Way (Future)</i>	--	--	--	--	0.232	A	0.273	A	0.232	0.273
Carlsbad Blvd / Avenida Encinas	0.400	A	0.395	A	0.460	A	0.522	A	0.060	0.127
<i>Ponto Dr / Avenida Encinas</i>	--	--	--	--	11.9	B	14.6	B	--	--
La Costa Ave / <u>N. Coast Highway 101</u>	0.581	A	0.629	B	0.599	A	0.753	C	0.018	0.124
<i>La Costa Ave / Vulcan Ave</i>	27.8	D	21.0	C	67.7	F	43.0	E	39.9	22.0
La Costa Ave / I-5 SB Ramps	0.539	A	0.571	A	0.579	A	0.618	B	0.040	0.047
La Costa Ave / I-5 NB Ramps	0.606	B	0.594	A	0.606	B	0.596	A	0.000	0.002
La Costa Ave / Piraeus St	0.542	A	0.533	A	0.553	A	0.544	A	0.011	0.011
El Camino Real / La Costa Ave	0.866	D	0.711	C	0.877	D	0.711	C	0.011	0.000
<u>N. Coast Highway 101</u> / Leucadia Blvd	<u>0.555</u>	A	<u>0.610</u>	<u>B</u>	<u>0.525</u>	<u>A</u>	<u>0.637</u>	<u>B</u>	<u>0.010</u>	<u>0.027</u>
<u>La Costa Ave / Sheridan Road</u>	<u>10.8</u>	<u>B</u>	<u>15.0</u>	<u>C</u>	<u>129</u>	<u>B</u>	<u>20.2</u>	<u>C</u>	<u>2.1</u>	<u>5.2</u>

Italic - Unsignalized Intersection. Deficient intersections shown in bold.

Table 5.6-6
Existing Plus Vision Plan Peak Hour Roadway Segment LOS

Street	Location	Direction (Lanes)	Capacity	Existing V/C		Existing Plus Vision Plan					
						AM Peak Hour			PM Peak Hour		
				AM	PM	Volume	V/C	LOS	Volume	V/C	LOS
Carlsbad Blvd.	Palomar Airport Road to Island Way	NB (2)	3,600	0.10	0.23	381	0.11	A	863	0.24	A
		SB (2)	3,600	0.22	0.22	845	0.23	A	867	0.24	A
	Island Way to Breakwater Road	NB (2)	3,600	0.10	0.23	386	0.11	A	869	0.24	A
		SB (2)	3,600	0.22	0.21	830	0.23	A	826	0.23	A
	Breakwater Road to Poinsettia Lane	NB (2)	3,600	0.10	0.25	378	0.11	A	915	0.25	A
		SB (2)	3,600	0.22	0.22	827	0.23	A	855	0.24	A
	Poinsettia Lane to Ponto Drive	NB (2)	3,600	0.10	0.25	388	0.11	A	932	0.26	A
		SB (2)	3,600	0.22	0.22	835	0.23	A	846	0.24	A
	Ponto Drive to Beach Way	NB (2)	3,600	0.08	0.25	488	0.14	A	1138	0.32	A
		SB (2)	3,600	0.24	0.20	1078	0.30	A	1059	0.29	A
	Beach Way to Avenida Encinas	NB (2)	3,600	0.10	0.24	448	0.12	A	966	0.27	A
		SB (2)	3,600	0.25	0.20	984	0.27	A	813	0.23	A
	Avenida Encinas to La Costa Avenue	NB (2)	3,600	0.14	0.28	713	0.20	A	1342	0.37	A
		SB (2)	3,600	0.31	0.25	1299	0.36	A	1120	0.31	A
	La Costa Avenue to Leucadia Boulevard	NB (2)	3,600	0.10	0.26	406	0.11	A	1040	0.29	A
		SB (2)	3,600	0.38	0.21	1427	0.40	A	811	0.23	A
Avenida Encinas	Cannon Road to Palomar Airport Road	NB (2)	3,600	0.13	0.14	464	0.13	A	497	0.14	A
		SB (2)	3,600	0.07	0.13	249	0.07	A	479	0.13	A
	Palomar Airport to Poinsettia Lane	NB (1)	1,800	0.10	0.31	181	0.10	A	552	0.31	A
		SB (1)	1,800	0.21	0.17	373	0.21	A	311	0.17	A
	Poinsettia Lane to Windrose Circle	NB (2)	3,600	0.09	0.17	383	0.10	A	672	0.19	A
		SB (2)	3,600	0.13	0.15	514	0.14	A	641	0.17	A

Table 5.6-6 continued

Street	Location	Direction (Lanes)	Capacity	Existing V/C		Existing Plus Vision Plan					
				AM	PM	AM Peak Hour			PM Peak Hour		
						Volume	V/C	LOS	Volume	V/C	LOS
Avenida Encinas	Windrose Circle to Carlsbad Boulevard	NB (1)	1,800	0.08	0.11	321	0.18	A	462	0.26	A
		SB (1)	1,800	0.11	0.12	371	0.21	A	393	0.22	A
College Boulevard	El Camino Real to Palomar Airport Road	NB (2)	3,600	0.25	0.10	909	0.25	A	379	0.11	A
		SB (2)	3,600	0.06	0.24	219	0.06	A	891	0.25	A
Aviara Parkway	Palomar Airport to Poinsettia Lane	NB (2)	3,600	0.20	0.11	723	0.20	A	385	0.11	A
		SB (2)	3,600	0.06	0.20	201	0.06	A	705	0.20	A
	Poinsettia Lane to Batiquitos Drive	NB (2)	3,600	0.15	0.15	529	0.15	A	557	0.15	A
		SB (2)	3,600	0.11	0.24	392	0.11	A	860	0.24	A
Paseo del Norte	Cannon Road to Palomar Airport Road	NB (2)	3,600	0.13	0.20	461	0.13	A	717	0.20	A
		SB (2)	3,600	0.08	0.19	290	0.08	A	688	0.19	A
	Camino Del Parque to Camino del Las Ondas	NB (1)	1,800	0.23	0.33	411	0.23	A	595	0.33	A
		SB (1)	1,800	0.15	0.28	271	0.15	A	507	0.28	A
	Camino del Las Ondas to Poinsettia Lane	NB (1)	1,800	0.03	0.02	46	0.03	A	27	0.02	A
		SB (1)	1,800	0.02	0.03	28	0.02	A	61	0.03	A
El Camino Real	Faraday Avenue to Palomar Airport Road	NB (3)	5,400	0.28	0.27	1,488	0.28	A	1,433	0.27	A
		SB (3)	5,400	0.24	0.32	1,279	0.24	A	1,751	0.32	A
	Palomar Airport Road to Camino Vida Roble	NB (3)	5,400	0.19	0.27	1,038	0.19	A	1,490	0.28	A
		SB (3)	5,400	0.25	0.23	1,346	0.25	A	1,281	0.24	A
	Camino Vida Roble to Cassia Road	NB (2)	3,600	0.35	0.32	1,251	0.35	A	1,178	0.33	A
		SB (3)	5,400	0.22	0.26	1,188	0.22	A	1,410	0.26	A
	Cassia Road to La Costa Avenue	NB (3)	5,400	0.25	0.38	1,352	0.25	A	2,038	0.38	A
		SB (2)	3,600	0.51	0.55	1,843	0.51	B	1,972	0.55	A

Table 5.6-6 continued

Street	Location	Direction (Lanes)	Capacity	Existing V/C		Existing Plus Vision Plan					
				AM	PM	AM Peak Hour			PM Peak Hour		
						Volume	V/C	LOS	Volume	V/C	LOS
Palomar Airport Road	Avenida Encinas to I-5	EB (3)	5,400	0.11	0.20	602	0.11	A	1,101	0.20	A
		WB (3)	5,400	0.16	0.15	872	0.16	A	861	0.16	A
	I-5 to Paseo del Norte	EB (3)	5,400	0.45	0.32	2,430	0.45	A	1,712	0.32	A
		WB (3)	5,400	0.20	0.48	1,079	0.20	A	2,603	0.48	A
	Paseo del Norte to Armada Drive	EB (3)	5,400	0.44	0.31	2,365	0.44	A	1,663	0.31	A
		WB (3)	5,400	0.19	0.46	1,045	0.19	A	2,495	0.46	A
	Armada Drive to Hidden Valley Road	EB (3)	5,400	0.44	0.29	2,366	0.44	A	1,545	0.29	A
		WB (3)	5,400	0.24	0.41	1,307	0.24	A	2,212	0.41	A
	Hidden Valley Road to College Boulevard	EB (3)	5,400	0.43	0.28	2,339	0.43	A	1,514	0.28	A
		WB (3)	5,400	0.24	0.40	1,320	0.24	A	2,176	0.40	A
	College Boulevard to Camino Vida Roble	EB (3)	5,400	0.28	0.26	1,509	0.28	A	1,408	0.26	A
		WB (3)	5,400	0.19	0.30	1,018	0.19	A	1,633	0.30	A
	Camino Vida Roble to El Camino Real	EB (3)	5,400	0.21	0.27	1,122	0.21	A	1,470	0.27	A
		WB (3)	5,400	0.22	0.23	1,210	0.22	A	1,261	0.23	A
	El Camino Real to El Fuerte Street	EB (3)	5,400	0.30	0.58	1,629	0.30	A	3,151	0.58	A
		WB (3)	5,400	0.48	0.30	2,622	0.49	A	1,645	0.30	A
Palomar Airport Road	El Fuerte Street to Melrose Drive	EB (3)	5,400	0.21	0.62	1,136	0.21	A	3,370	0.62	B
		WB (3)	5,400	0.50	0.28	2,691	0.50	A	1,532	0.28	A
Poinsettia Lane	Carlsbad Boulevard to Avenida Encinas	EB (2)	3,600	0.06	0.09	382	0.11	A	536	0.15	A
		WB (2)	3,600	0.15	0.11	714	0.20	A	666	0.19	A
	Avenida Encinas to I-5	EB (2)	3,600	0.13	0.25	717	0.20	A	1,141	0.32	A
		WB (2)	3,600	0.28	0.22	1,246	0.35	A	1,141	0.32	A
	I-5 to Paseo del Norte	EB (2)	3,600	0.28	0.40	1,078	0.30	A	1,516	0.42	A
		WB (2)	3,600	0.30	0.35	1,167	0.32	A	1,355	0.38	A

Table 5.6-6 continued

Street	Location	Direction (Lanes)	Capacity	Existing V/C		Existing Plus Vision Plan					
				AM	PM	AM Peak Hour			PM Peak Hour		
						Volume	V/C	LOS	Volume	V/C	LOS
Poinsettia Lane	Paseo Del Norte to Batiquitos Drive	EB (2)	3,600	0.24	0.31	921	0.26	A	1,165	0.32	A
		WB (2)	3,600	0.23	0.27	879	0.24	A	1,052	0.29	A
	Batiquitos Drive to Aviara Parkway	EB (2)	3,600	0.21	0.22	818	0.23	A	863	0.24	A
		WB (2)	3,600	0.12	0.22	474	0.13	A	876	0.24	A
	Aviara Parkway to Cassia Road	EB (2)	3,600	0.02	0.03	100	0.03	A	161	0.04	A
		WB (2)	3,600	0.03	0.02	141	0.04	A	157	0.04	A
La Costa Avenue	Carlsbad Boulevard to Vulcan Avenue	EB (1)	1,800	0.20	0.26	497	0.28	A	631	0.35	A
		WB (1)	1,800	0.29	0.26	688	0.38	A	705	0.39	A
	Vulcan Avenue to I-5	EB (1)	1,800	0.24	0.29	575	0.32	A	671	0.37	A
		WB (1)	1,800	0.35	0.29	792	0.44	A	763	0.42	A
	I-5 to Piraeus Street	EB (2)	3,600	0.39	0.38	1,425	0.40	A	1,420	0.39	A
		WB (2)	3,600	0.31	0.35	1,142	0.32	A	1,310	0.36	A
	Piraeus Street to El Camino Real	EB (2)	3,600	0.30	0.38	1,118	0.31	A	1,397	0.39	A
		WB (2)	3,600	0.31	0.32	1,149	0.32	A	1,213	0.34	A
	East of El Camino Real	EB (2)	3,600	0.10	0.24	414	0.12	A	891	0.25	A
		WB (2)	3,600	0.20	0.18	769	0.21	A	704	0.20	A
Ponto Drive	Carlsbad Boulevard to Avenida Encinas	EB (1)	1800	0.02	0.01	178	0.10	A	184	0.10	A
		WB (1)	1800	0.01	0.02	162	0.09	A	255	0.14	A

Table 5.6-7
Horizon Year (2030) Peak Hour Intersection LOS - HCM

Intersections		Without Vision Plan				With Vision Plan				Change in Delay	
		AM		PM		AM		PM			
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	AM	PM
Palomar Airport Road / Avenida Encinas		35.6	D	40.7	D	35.7	D	41.0	D	0.1	0.3
Palomar Airport Road / I-5 SB Ramps		20.9	C	16.1	B	20.9	C	16.4	B	0.0	0.3
Palomar Airport Road / I-5 NB Ramps		59.1	E	47.1	D	59.7	E	48.4	D	0.6	1.3
Palomar Airport Road / Paseo Del Norte		36.7	D	44.7	D	36.7	D	44.9	D	0.0	0.2
Palomar Airport Road / Armada Drive		23.7	C	54.3	D	23.7	C	54.3	D	0.0	0
Palomar Airport Road / Hidden Valley Road		16.9	B	16.0	B	17.0	B	16.1	B	0.1	0.1
Palomar Airport Road / College Boulevard		37.8	D	47.7	D	38.7	D	49.5	D	0.8	1.8
Palomar Airport Road / Camino Vida Roble		31.9	C	34.9	C	31.9	C	34.9	C	0.0	0.0
Palomar Airport Road / El Camino Real		64.6	E	119.9	F	64.9	E	121.2	F	0.3	1.3
Palomar Airport Road / El Fuerte St.		65.6	E	45.8	D	66.2	E	46.2	D	0.6	0.4
Palomar Airport Road / Melrose Drive		116.8	F	82.9	F	117.3	F	83.6	F	0.5	0.7
Carlsbad Boulevard / Island Way		8.1	A	7.6	A	8.0	A	7.6	A	-0.1	0.0
Carlsbad Boulevard / Breakwater Road		8.2	A	6.6	A	8.1	A	6.7	A	-0.1	0.1
Carlsbad Boulevard / Poinsettia Lane		20.0	C	26.4	C	27.1	C	53.8	D	7.1	27.4
Poinsettia Lane / Avenida Encinas		32.4	C	37.7	D	34.1	C	41.6	D	2.3	3.9
Poinsettia Lane / I-5 SB Ramps		26.2	C	31.4	C	33.2	C	44.3	D	7.0	12.9
Poinsettia Lane / I-5 NB Ramps		28.7	C	29.0	C	36.9	D	38.8	D	8.2	9.8
Poinsettia Lane / Paseo Del Norte		31.6	C	37.5	D	33.3	C	43.2	D	2.1	5.7
Paseo Del Norte / Camino del las Ondas		31.1	C	27.2	C	32.4	C	28.0	C	1.3	0.8
Poinsettia Lane / Batiquitos Drive		25.3	C	25.2	C	24.7	C	25.0	C	-0.6	-0.2
Poinsettia Lane / Aviara Parkway		30.2	C	33.9	C	30.4	C	34.6	C	0.2	0.7
El Camino Real / Cassia Road		25.3	C	11.8	B	26.5	C	13.7	B	1.2	1.9
El Camino Real / Camino Vida Roble		24.2	C	93.8	F	24.2	C	94.8	F	0.0	1.0
Carlsbad Boulevard / Ponto Drive		7.3	A	5.8	A	16.9	B	19.8	B	9.6	14.0
Carlsbad Boulevard / Beach Way		1.3	A	0.8	A	13.7	B	13.3	B	12.4	12.5
Carlsbad Boulevard / Avenida Encinas		6.7	A	8.0	A	17.2	B	17.0	B	10.5	9.0
Ponto Drive / Avenida Encinas		8.5	A	14.7	B	31.6	C	32.8	C	20.5	17.0
La Costa Avenue / N. Coast Highway 101		83.1	F	44.9	D	86.1	F	64.4	E	3.0	19.5

Table 5.6-7 continued

Intersections	Without Vision Plan				With Vision Plan				Change in Delay	
	AM		PM		AM		PM			
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	AM	PM
<i>La Costa Avenue / Vulcan Avenue</i>	Overflow	F	Overflow	F	Overflow	F	Overflow	F	Overflow	Overflow
La Costa Avenue / I-5 SB Ramps	27	C	32.1	C	26.1	C	33.0	C	-0.9	0.9
La Costa Avenue / I-5 NB Ramps	26.8	C	24.4	C	26.9	C	25.0	C	0.1	0.6
La Costa Avenue / Piraeus St.	20.6	C	23.1	C	20.9	C	23.9	C	0.3	0.8
El Camino Real / La Costa Avenue	88.5	F	42.0	D	88.4	F	44.3	D	-0.1	2.3
N. Coast Highway 101 / Leucadia Avenue	35.3	D	34.5	C	38.7	D	36.5	D	3.4	2.0
La Costa Avenue / Sheridan Road	11.0	B	21.6	C	13.2	B	34.4	D	2.2	12.8

Italic - Unsignalized Intersection.

Deficient Intersections shown in **BOLD**.

Table 5.6-8
Horizon Year (2030) Peak Hour Roadway Segment LOS

Location		Direction (# lanes)	Capacity	2030 No Vision Plan A.M.			2030 No Vision Plan P.M.			2030 With Vision Plan A.M.			2030 With Vision Plan P.M.			Change in Delay	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
Carlsbad Blvd.	Palomar Airport Road to Island Way	NB (2)	3,600	497	0.14	A	1,261	0.35	A	521	0.14	A	1,288	0.36	A	0.00	0.01
		SB (2)	3,600	1,198	0.33	A	1,428	0.40	A	1,242	0.35	A	1,494	0.42	A	0.02	0.02
	Island Way to Breakwater Road	NB (2)	3,600	486	0.14	A	1,279	0.36	A	510	0.14	A	1,306	0.36	A	0.00	0.00
		SB (2)	3,600	1,176	0.33	A	1,364	0.38	A	1,220	0.34	A	1,430	0.40	A	0.01	0.02
	Breakwater Road to Poinsettia Lane	NB (2)	3,600	419	0.12	A	1,220	0.34	A	443	0.12	A	1,247	0.35	A	0.00	0.01
		SB (2)	3,600	1,011	0.28	A	1,158	0.32	A	1,055	0.29	A	1,224	0.34	A	0.01	0.02
	Poinsettia Lane to Ponto Drive	NB (2)	3,600	416	0.12	A	1,248	0.35	A	440	0.12	A	1,275	0.35	A	0.00	0.00
		SB (2)	3,600	1,034	0.29	A	1,176	0.33	A	1,078	0.30	A	1,242	0.35	A	0.01	0.02
	Ponto Drive to Beach Way	NB (2)	3,600	1,332	0.37	A	1,212	0.34	A	1,540	0.43	A	1,447	0.40	A	0.06	0.06
		SB (2)	3,600	1,104	0.31	A	1,930	0.54	A	1,328	0.37	A	2,266	0.63	A	0.06	0.09
	Beach Way to Avenida Encinas	NB (2)	3,600	1,266	0.35	A	913	0.25	A	1,347	0.37	A	1,030	0.29	A	0.02	0.04
		SB (2)	3,600	1,445	0.40	A	1,741	0.48	A	1,514	0.42	A	1,840	0.51	A	0.02	0.03
	Avenida Encinas to La Costa Avenue	NB (2)	3,600	1,634	0.45	A	1,124	0.31	A	1,854	0.52	A	1,454	0.40	A	0.07	0.09
		SB (2)	3,600	1,640	0.46	A	1,930	0.54	A	1,837	0.51	A	2,148	0.60	A	0.05	0.06
	La Costa Avenue to Leucadia Boulevard	NB (2)	3,600	548	0.15	A	1,533	0.43	A	608	0.17	A	1,624	0.45	A	0.02	0.02
		SB (2)	3,600	2,428	0.67	B	1,035	0.29	A	2,483	0.69	B	1,096	0.30	A	0.02	0.01
Avenida Encinas	Cannon Road to Palomar Airport Road	NB (2)	3,600	506	0.14	A	534	0.15	A	508	0.14	A	536	0.15	A	0.00	0.00
		SB (2)	3,600	271	0.08	A	747	0.21	A	273	0.08	A	751	0.21	A	0.00	0.00

Table 5.6-8 continued

Location		Direction (# lanes)	Capacity	2030 No Vision Plan A.M.			2030 No Vision Plan P.M.			2030 With Vision Plan A.M.			2030 With Vision Plan P.M.			Change in Delay	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
Avenida Encinas	Palomar Airport Road to Poinsettia Lane	NB (1)	1,800	289	0.16	A	636	0.35	A	292	0.16	A	639	0.36	A	0.00	0.01
		SB (1)	1,800	579	0.32	A	415	0.23	A	582	0.32	A	420	0.23	A	0.00	0.00
	Poinsettia Lane to Windrose Circle	NB 2)	3,600	685	0.19	A	666	0.19	A	742	0.21	A	726	0.20	A	0.02	0.01
		SB (2)	3,600	396	0.11	A	630	0.18	A	454	0.13	A	717	0.20	A	0.02	0.02
	Windrose Circle to Carlsbad Boulevard	EB (1)	1,800	176	0.10	A	206	0.11	A	351	0.20	A	471	0.26	A	0.10	0.15
		WB (1)	1,800	169	0.09	A	136	0.08	A	331	0.18	A	307	0.17	A	0.09	0.09
College Boulevard	El Camino Real to Palomar Airport Road	NB (2)	3,600	1,498	0.42	A	641	0.18	A	1,512	0.42	A	656	0.18	A	0.00	0.00
		SB (2)	3,600	578	0.16	A	1,405	0.39	A	593	0.16	A	1,428	0.40	A	0.00	0.01
Aviara Parkway	Palomar Airport Road to Poinsettia Lane	NB (2)	3,600	1,151	0.32	A	554	0.15	A	1,151	0.32	A	554	0.15	A	0.00	0.00
		SB (2)	3,600	292	0.08	A	1,146	0.32	A	292	0.08	A	1,146	0.32	A	0.00	0.00
	Poinsettia Lane to Batiquitos Drive	NB (2)	3,600	912	0.25	A	633	0.18	A	917	0.25	A	641	0.18	A	0.00	0.00
		SB (2)	3,600	351	0.10	A	1,158	0.32	A	356	0.10	A	1,163	0.32	A	0.00	0.00
Paseo del Norte	Cannon Road to Palomar Airport Road	NB (2)	3,600	771	0.21	A	707	0.20	A	773	0.21	A	710	0.20	A	0.00	0.00
		SB (2)	3,600	356	0.10	A	927	0.26	A	359	0.10	A	931	0.26	A	0.00	0.00
	Camino del Parque to Camino del Las Ondas	NB (1)	1,800	812	0.45	A	561	0.31	A	812	0.45	A	561	0.31	A	0.00	0.00
		SB (1)	1,800	355	0.20	A	1,243	0.69	B	355	0.20	A	1,243	0.69	B	0.00	0.00
	Camino del Las Ondas to Poinsettia Lane	NB (1)	1,800	143	0.08	A	35	0.02	A	143	0.08	A	35	0.02	A	0.00	0.00
		SB (1)	1,800	31	0.02	A	156	0.09	A	31	0.02	A	156	0.09	A	0.00	0.00
El Camino Real	Faraday Avenue to Palomar Airport Road	NB (3)	5,400	2,781	0.52	A	1,965	0.36	A	2,781	0.52	A	1,965	0.36	A	0.00	0.00
		SB (3)	5,400	2,034	0.38	A	2,479	0.46	A	2,034	0.38	A	2,479	0.46	A	0.00	0.00

Table 5.6-8 continued

Location		Direction (# lanes)	Capacity	2030 No Vision Plan A.M.			2030 No Vision Plan P.M.			2030 With Vision Plan A.M.			2030 With Vision Plan P.M.			Change in Delay	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
El Camino Real	Palomar Airport Road to Camino Vida Roble	NB (3)	5,400	2,192	0.41	A	1,756	0.33	A	2,201	0.41	A	1,766	0.33	A	0.00	0.00
		SB (3)	5,400	1,425	0.26	A	2,206	0.41	A	1,435	0.27	A	2,220	0.41	A	0.00	0.00
	Camino Vida Roble to Cassia Road	NB (3)	5,400	2,819	0.52	A	1,488	0.28	A	2,828	0.52	A	1,498	0.28	A	0.00	0.00
		SB (3)	5,400	1,306	0.24	A	2,930	0.54	A	1,316	0.24	A	2,944	0.55	A	0.00	0.01
	Cassia Road to La Costa Avenue	NB (3)	5,400	3,467	0.64	B	2,594	0.48	A	3,467	0.64	B	2,594	0.48	A	0.00	0.00
		SB (3)	5,400	2,261	0.42	A	3,058	0.57	A	2,261	0.42	A	3,058	0.57	A	0.00	0.00
Palomar Airport Road	Avenida Encinas to I-5	EB (3)	5,400	1,079	0.20	A	1,152	0.21	A	1,090	0.20	A	1,164	0.22	A	0.00	0.01
		WB (3)	5,400	975	0.18	A	1,165	0.22	A	1,005	0.19	A	1,209	0.22	A	0.01	0.00
	I-5 to Paseo del Norte	EB (3)	5,400	2,704	0.50	A	2,151	0.40	A	2,706	0.50	A	2,155	0.40	A	0.00	0.00
		WB (3)	5,400	1,313	0.24	A	3,149	0.58	A	1,317	0.24	A	3,154	0.58	A	0.00	0.00
	Paseo del Norte to Armada Drive	EB (3)	5,400	2,741	0.51	A	1,615	0.30	A	2,741	0.51	A	1,616	0.30	A	0.00	0.00
		WB (3)	5,400	1,308	0.24	A	3,075	0.57	A	1,309	0.24	A	3,076	0.57	A	0.00	0.00
	Armada Drive to Hidden Valley Road	EB (3)	5,400	3,242	0.60	B	2,129	0.39	A	3,242	0.60	B	2,130	0.39	A	0.00	0.00
		WB (3)	5,400	1,766	0.33	A	3,029	0.56	A	1,767	0.33	A	3,030	0.56	A	0.00	0.00
	Hidden Valley Road to College Boulevard	EB (3)	5,400	3,166	0.59	A	2,028	0.38	A	3,184	0.59	A	2,049	0.38	A	0.00	0.00
		WB (3)	5,400	1,781	0.33	A	2,928	0.54	A	1,802	0.33	A	2,959	0.55	A	0.00	0.01
	College Boulevard to Camino Vida Roble	EB (3)	5,400	1,906	0.35	A	1,497	0.28	A	1,906	0.35	A	1,498	0.28	A	0.00	0.00
		WB (3)	5,400	1,168	0.22	A	1,547	0.29	A	1,169	0.22	A	1,548	0.29	A	0.00	0.00
	Camino Vida Roble to El Camino Real	EB (3)	5,400	1,442	0.27	A	1,475	0.27	A	1,442	0.27	A	1,476	0.27	A	0.00	0.00
		WB (3)	5,400	1,239	0.23	A	1,090	0.20	A	1,240	0.23	A	1,091	0.20	A	0.00	0.00

Table 5.6-8 continued

Location		Direction (# lanes)	Capacity	2030 No Vision Plan A.M.			2030 No Vision Plan P.M.			2030 With Vision Plan A.M.			2030 With Vision Plan P.M.			Change in Delay	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
Palomar Airport Road	El Camino Real to El Fuerte Street	EB (3)	5,400	2,341	0.43	A	3,384	0.63	B	2,350	0.44	A	3,394	0.63	A	0.01	0.00
		WB (3)	5,400	3,307	0.61	B	2,332	0.43	A	3,317	0.61	B	2,347	0.43	A	0.00	0.00
	El Fuerte Street to Melrose Drive	EB (3)	5,400	1,921	0.36	A	3,501	0.65	B	1,930	0.36	A	3,511	0.65	A	0.00	0.00
		WB (3)	5,400	3,332	0.62	B	2,277	0.42	A	3,342	0.62	B	2,292	0.42	A	0.00	0.00
Poinsettia Lane	Carlsbad Boulevard to Avenida Encinas	EB (2)	3,600	250	0.07	A	485	0.13	A	434	0.12	A	692	0.19	A	0.05	0.06
		WB (2)	3,600	384	0.11	A	581	0.16	A	564	0.16	A	850	0.24	A	0.05	0.08
	Avenida Encinas to I-5	EB (2)	3,600	801	0.22	A	1,152	0.32	A	1,035	0.29	A	1,411	0.39	A	0.07	0.07
		WB (2)	3,600	830	0.23	A	1,019	0.28	A	1,061	0.29	A	1,365	0.38	A	0.06	0.10
Poinsettia Lane	I-5 to Paseo del Norte	EB (2)	3,600	1,466	0.41	A	1,656	0.46	A	1,534	0.43	A	1,732	0.48	A	0.02	0.02
		WB (2)	3,600	1,463	0.41	A	1,644	0.46	A	1,538	0.43	A	1,756	0.49	A	0.02	0.03
	Paseo Del Norte to Batiquitos Drive	EB (2)	3,600	877	0.24	A	1,190	0.33	A	927	0.26	A	1,246	0.35	A	0.02	0.02
		WB (2)	3,600	1,110	0.31	A	1,199	0.33	A	1,165	0.32	A	1,281	0.36	A	0.01	0.03
	Batiquitos Drive to Aviara Parkway	EB (2)	3,600	1,198	0.33	A	994	0.28	A	1,249	0.35	A	1,050	0.29	A	0.02	0.01
		WB (2)	3,600	751	0.21	A	1,286	0.36	A	806	0.22	A	1,369	0.38	A	0.01	0.02
	Aviara Parkway to El Camino Real	EB (2)	3,600	564	0.16	A	495	0.14	A	610	0.17	A	546	0.15	A	0.01	0.01
		WB (2)	3,600	415	0.12	A	720	0.20	A	465	0.13	A	795	0.22	A	0.01	0.02
La Costa Ave.	Carlsbad Boulevard to Vulcan Avenue	EB (1)	1,800	850	0.47	A	1,000	0.56	A	991	0.55	A	1,156	0.64	B	0.08	0.08
		WB (1)	1,800	945	0.53	A	798	0.44	A	1,105	0.61	B	1,038	0.58	A	0.08	0.14
	Vulcan Avenue to I-5	EB (1)	1,800	945	0.53	A	922	0.51	A	1,086	0.60	A	1,078	0.60	A	0.07	0.09
		WB (1)	1,800	1,256	0.70	B	2,156	1.20	F	1,416	0.79	C	2,396	1.33	F	0.09	0.13

Table 5.6-8 continued

Location		Direction (# lanes)	Capacity	2030 No Vision Plan A.M.			2030 No Vision Plan P.M.			2030 With Vision Plan A.M.			2030 With Vision Plan P.M.			Change in Delay	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
La Costa Ave.	I-5 to Piraeus Street	EB (2)	3,600	2,002	0.56	A	2,100	0.58	A	2,039	0.57	A	2,141	0.59	A	0.01	0.01
		WB (2)	3,600	2,042	0.57	A	2,148	0.60	A	2,082	0.58	A	2,208	0.61	A	0.01	0.01
	Piraeus Street to El Camino Real	EB (2)	3,600	1,822	0.51	A	1,523	0.42	A	1,859	0.52	A	1,564	0.43	A	0.01	0.01
		WB (2)	3,600	1,370	0.38	A	1,412	0.39	A	1,410	0.39	A	1,472	0.41	A	0.01	0.02
	East of El Camino Real	EB (2)	3,600	536	0.15	A	1,035	0.29	A	573	0.16	A	1,076	0.30	A	0.01	0.01
		WB (2)	3,600	1,065	0.30	A	809	0.22	A	1,105	0.31	A	869	0.24	A	0.01	0.02
Ponto Drive	Carlsbad Boulevard to Avenida Encinas	NB (1)	1,800	27	0.02	A	15	0.01	A	167	0.09	A	172	0.10	A	0.07	0.09
		SB (1)	1,800	23	0.01	A	43	0.02	A	166	0.09	A	257	0.14	A	0.08	0.12

Note: Deficient roadway segment operation shown in **bold**. (#) Number of lanes.

**Table 5.6-9
ILV Operation Analysis**

		PAR/ I-5 SB Ramps	PAR/ I-5 NB Ramps	Poinsettia Ln/I-5 SB Ramps	Poinsettia Ln/ I-5 NB Ramps	La Costa Ave/ I-5 SB Ramps	La Costa Ave/ I-5 NB Ramps
Existing Conditions	a.m.	731 Stable	1232 Unstable	722 Stable	794 Stable	717 Stable	881 Stable
	p.m.	743 Stable	1186 Stable	1016 Stable	917 Stable	744 Stable	893 Stable
Existing with Vision Plan	a.m.	732 Stable	1241 Unstable	913 Stable	973 Stable	797 Stable	899 Stable
	p.m.	745 Stable	1196 Stable	1364 Unstable	1125 Stable	810 Stable	913 Stable
2010	a.m.	940 Stable	1333 Unstable	1002 Stable	1003 Stable	705 Stable	964 Stable
	p.m.	891 Stable	1271 Unstable	1065 Stable	1156 Stable	912 Stable	983 Stable
2010 with Vision Plan	a.m.	942 Stable	1342 Unstable	1193 Stable	1182 Stable	785 Stable	983 Stable
	p.m.	897 Stable	1282 Unstable	1413 Unstable	1364 Unstable	932 Stable	1078 Stable
2030	a.m.	1011 Stable	1531 Capacity	1052 Stable	1031 Stable	623 Stable	1118 Stable
	p.m.	1057 Stable	1409 Unstable	1147 Stable	1193 Stable	1144 Stable	1287 Unstable
2030 with Vision Plan	a.m.	1012 Stable	1540 Capacity	1243 Unstable	1210 Unstable	703 Stable	1137 Stable
	p.m.	1063 Stable	1420 Unstable	1387 Unstable	1401 Unstable	1165 Stable	1308 Unstable

Note: PAR – Palomar Airport Road.

**Table 5.6-10
Recommended Mitigation Measures**

Intersection	Forecast Deficient Intersections					
	Significantly Impacted Scenarios	Worst Case		Recommended Mitigation	Mitigated	
		Delay	LOS		Delay	LOS
La Costa Ave / Carlsbad Blvd	2030	33.4	F	Widen North Leg to Include: 2 Left Turn Lanes and 2 Thru Lanes, and Widen East Leg to Include: 2 Left Turn Lanes and 1 Right Turn Lane	44.8	D
La Costa Ave / Vulcan Ave	Existing, 2010 & 2030	711.1	F	Alternative 1: Install Traffic Signal (with La Costa Widening to 4 lanes) Alternative 2: Restrict Left Turn Access	35.0	C
		Forecast Deficient Roadway Segments				
<u>WB La Costa Avenue east of Vulcan Avenue</u>	<u>2030</u>	<u>1.33</u>	<u>F</u>	<u>Widen Westbound Approach beginning east of Vulcan Avenue to accommodate intersection improvements identified above (dual eastbound left turn lanes at N. Coast Highway 101 and dedicated left turn lane at Vulcan Avenue). Improvement consistent with improvements approved with Highway 101 Corridor Specific Plan (City of Encinitas)</u>	<u>0.67</u>	<u>C</u>

**Figure 5.6-1
Study Intersections**

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**Figure 5.6-2
Existing ADT Volumes**

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**Figure 5.6-3
Existing AM Level of Service**

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**Figure 5.6-4
Existing PM Level of Service**

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**Figure 5.6-5
Trip Distribution**

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Figure 5.6-6
Existing with Vision Plan AM Level of Service

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Figure 5.6-7
Existing with Vision Plan PM Level of Service

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Figure 5.6-8
Horizon Year (2030) ADT Volumes

PLACEHOLDER

Figure 5.6-9
Horizon Year (2030) with Vision Plan ADT Volumes

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Figure 5.6-10
Horizon Year (2030) with Vision Plan AM Level of Service

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Figure 5.6-11
Horizon Year (2030) with Vision Plan PM Level of Service

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5.7 VISUAL AESTHETICS AND GRADING

The purpose of this section is to describe the existing aesthetic environment onsite and in the site vicinity, and to analyze potential project impacts to the existing aesthetic character of the site and the surrounding community. Consideration of public scenic vistas and views, impacts to scenic resources and the introduction of new sources of light and glare are also included in this section.

5.7.1 Existing Conditions

5.7.1.1 Visual Setting/Character

Onsite

The project development area is located on a westerly sloping series of well-defined coastal terraces above the Pacific Ocean. Topography in the Ponto Area is generally gently sloping, although there are some areas with greater elevational change. Onsite elevations generally range from approximately 30 feet amsl in the southern portion of the property to approximately 70 feet amsl in the central portion. The area south of Avenida Encinas is a bluff area with ~~excellent~~ views out to the Batiquitos Lagoon and the Pacific Ocean. A high point in elevation occurs onsite at the intersection of Ponto Drive and Avenida Encinas. Ponto Drive slopes down into the area of lowest onsite elevation, where the former off-ramps and underpass for Old Highway 101 were located.

The southern two-thirds of the site are undeveloped and dominated by grasses and herbaceous annuals. Ornamental landscaping is generally present in the developed areas within private yards.

A 572-foot long drainage, approximately three feet wide, originates just east of Carlsbad Boulevard at Ponto Drive. The drainage runs to the south through an empty lot to a concrete ditch, which connects to a drain that then ultimately drains to the Pacific Ocean. Overhead utilities are also present in areas of the site.

An estimated twenty-four structures exist onsite and range from one to two stories in height, in varying degrees of condition. Structures appear to be of metal, wood, and stucco construction. Onsite uses include single-family residential, multiple light industrial, and commercial uses. Historical uses within the subject site included, but were not limited to, metal shops, paint shops, antique repair, and mirror reconditioning facilities, dipping and stripping operations of materials, auto repair, metal fabrications, agricultural activities, and the San Diego Northern Railroad.

Offsite

The project site is located within the urban context of the City of Carlsbad. Land uses in the vicinity of the Ponto Area are predominately residential. To the north of the project area is the Hanover Beach Colony residential neighborhood, and to the northeast is Lakeshore Gardens, a mobile home park. To the east is the SDNR and single-family residential

development, with shopping and services for the residential neighborhoods located along Avenida Encinas, east of the residential areas. The Batiquitos Lagoon is to the south of the project development area. Directly west of the project area on the oceanfront bluffs and adjacent to Carlsbad Boulevard are the campsites of South Carlsbad State Beach, with the beach and Pacific Ocean below.

5.7.1.2 Applicable Plans, Policies, and Regulations

City of Carlsbad Scenic Corridor Guidelines

To complement the City's Landscape Guidelines Manual and the General Plan Circulation Element, the City adopted its Scenic Corridor Guidelines in July 1988 to provide additional guidance in preserving and enhancing the character of roadways within the City with unique views or visual characteristics. The guidelines generally apply to development that occurs within or adjacent to the right-of-way of identified scenic corridors. Carlsbad Boulevard is identified as a "Community Theme Corridor" within the Scenic Corridor Guidelines. As this roadway parallels the Pacific Ocean in the vicinity of the Ponto Area, it affords views of the Pacific Ocean, stretches of beach, Batiquitos Lagoon, and recreational activities such as camping and surfing.

According to the Circulation Element, Community Theme Corridors are considered to "connect Carlsbad with adjacent communities and present the City of Carlsbad to persons entering and passing through the community." The designation is intended to preserve and enhance the visual, environmental, and historical characteristics of the City and along the route through planning and design measures. Goals included in the Guidelines that apply specifically to Carlsbad Boulevard include establishing a natural beach-oriented theme; enhancing visual quality through theme-oriented landscaping and street furniture; preserving natural quality of the lagoon areas by limiting landscaping adjacent to the lagoon; and, encouraging landscape setbacks to achieve a sense of openness along developed segments the roadway. Other Scenic Theme Corridors include El Camino Real, Palomar Airport Road, La Costa Avenue and Melrose Drive.

In addition to scenic corridors, certain locations have been identified as major entry points into the City. Carlsbad Boulevard is identified as a major entryway where Carlsbad Boulevard enters the City just to the southwest of the proposed Ponto Area; refer to Figure 5.1-1. The location is identified as a "Major Entry Monumentation" which signifies the major southern entry point into the City and is considered a "visual transition zone" that will identify and enhance the City's unique character. Monumentation, combined with landscaping and/or signage, is suggested in the Guidelines for this highly visible, high-use location.

In addition, the SDNR is identified as a scenic railroad corridor with the Scenic Corridor Guidelines. This railway is identified as a "special condition" corridor which provides views to rail passengers traveling through the City. The Guidelines suggest improvements along the railroad right-of-way to upgrade the image of Carlsbad and to inform passengers that they have arrived in the City.

City of Carlsbad Final Master EIR, General Plan Update

The City of Carlsbad Final Master EIR for the General Plan Update discusses the potential for visual impacts to occur within the City as landform modification takes place with future development. To minimize such impacts, all future development would be subject to compliance with the following policies, guidelines, and ordinances, as applicable:

- Planned Development Ordinance and Design Guidelines Manual;
- Landscape Guidelines Manual;
- Zoning Regulations;
- Growth Management Ordinance;
- City Council Policy 44 – Architectural Guidelines for the Development of Liveable Neighborhoods;
- ☐ ~~Planned Development Ordinance;~~
- Hillside Development Ordinance; and,
- Carlsbad Municipal Code Title 21.53 and CEQA.

In addition, mitigation measures are given in the EIR to reduce the potential for visual impacts to occur as the result of site development. These mitigation measures address architectural review, grading of hillsides, and land use development standards to preserve natural features and characteristics, among other measures.

City of Carlsbad Landscape Manual

The City's Landscape Manual provides guidelines for landscaping, irrigation requirements, wildfire prevention, streetscape, slope revegetation, water conservation, and erosion control. In an effort to reduce water demands resulting from irrigation and to maintain the visual environment, all proposed development within the City is subject to the requirements of the Landscape Manual.

5.7.1.3 Existing Public Viewpoints***Carlsbad Boulevard***

Carlsbad Boulevard generally runs north/south and parallels the Ponto Area to the west. The roadway is identified as a Major Roadway within the City and, as mentioned above, is designated as a Community Theme Corridor within the City Scenic Corridor Guidelines. Topography along the roadway is generally flat as it crosses the Batiquitos Lagoon to the south, then ascends gradually as it passes along the frontage of the project area. The roadway is a two-lane roadway in the north and south directions along the site, with a left-turn lane provided into the site at Avenida Encinas. In addition, a right turn-lane is provided off of Carlsbad Boulevard at Ponto Drive to allow access to the northern portion of the project site, as well as to the other residential areas to the north of the project area.

Views to the site from Carlsbad Boulevard occur from both the northbound and southbound lanes. The longest views are from the northbound lanes approaching the site, across Batiquitos Lagoon.

Avenida Encinas

As Avenida Encinas crosses the Ponto Area, views looking to the north and south across the site are afforded from this public roadway. In addition, east of the railroad tracks, views looking west from the roadway also occur from the existing residential neighborhood.

Ponto Drive

The Hanover Beach Colony residential neighborhood is located to the north of the proposed project development area, with access taken along Ponto Drive. From Ponto Drive, views into the site would generally be afforded looking south and southwest.

South Carlsbad State Beach and Campground

South Carlsbad State Beach and Campground is located to the west of the Ponto Area, across Carlsbad Boulevard. The beach and campground serve as public recreational areas, with parking for day tourists and overnight camping for recreational vehicles. Views to the Ponto Area from these locations are generally limited, due to topography and existing landscaping, as well as distance from the site across Carlsbad Boulevard.

Batiquitos Lagoon

Limited views of the Ponto Area occur from locations adjacent to or within the Batiquitos Lagoon, due to elevational differences and natural landforms (i.e., coastal bluffs). Views from the Lagoon looking north to the site would be limited due to the approximate 40-foot elevational difference between the southern portion of the development area and the elevation of the Lagoon. Views of the Ponto Area would be afforded at a distance from the site looking north from within the Lagoon, crossing the Lagoon on Carlsbad Boulevard, and from the south edge of the Lagoon near the City of Encinitas.

Northern San Diego Railroad

As mentioned, the NSDR railway runs north-south to the east of the Ponto Area. The railway is identified as a scenic railroad corridor within the Scenic Corridor Guidelines. This railway affords passengers on the train views to the west of the Pacific Ocean, across the Ponto Area, and generally of Batiquitos Lagoon to the east and west as the railway crosses the water between the Cities of Encinitas and Carlsbad.

5.7.2 Thresholds for Determining Significance

The significance thresholds used for this section are from Appendix G of the CEQA Guidelines. For the purpose of this EIR, a significant impact related to aesthetics or visual resources would occur if the proposed project would:

- Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area;

- Substantially degrade the existing visual character or quality of the site and its surroundings;
- Have a substantially adverse effect on a scenic vista;
- Propose development on natural slopes greater than 40% and create manufactured slopes greater than 40 feet in height which are not excluded from Section 21.95.130 of the Hillside Development Regulations or subject to standards modification Section 21.95.140; or,
- Create a manufactured slope greater than 20 feet in height and 200 feet in length that is not contoured and which is located adjacent to or is substantially visible from a circulation element road, collector street, or useable public open space area [(21.95.120(F)(1)] of the Municipal Code) and also is not excluded from Section 21.95.130 of the Hillside Development Regulations or subject to standard modification Section 21.95.140.

The significance criteria listed above are used to evaluate potential visual impacts on the project site and from areas that are designated as scenic corridors or scenic vistas. These areas typically consist of public thoroughfares or vantage points. The City of Carlsbad does not have an adopted ordinance that protects private views.

5.7.3 Environmental Impact

5.7.3.1 Light and Glare

As noted, the Ponto Area is located within an urban setting. To the north and east are residential neighborhoods, with the Batiquitos Lagoon to the south and the Pacific Ocean to the west. Limited light or glare is currently generated on the property from the existing residential, commercial, and light industrial uses. Existing outdoor lighting is generally limited to that necessary for safety and access, as well as security of outdoor areas, and is not considered to be a source of significant light or glare. Outdoor lighting in adjacent neighborhoods is similar to that found on the Ponto Area, with outdoor fixtures generally providing lighting for purposes of access and safety of the residents.

As development would occur over time on the project site, potential new sources of light or glare may be introduced to the area. Potential sources of light would be from lighting for outdoor safety and circulation, operation of the resort and commercial facilities, delivery and personal vehicles, and outdoor lighting for residential uses, among other sources. However, all lighting within the Ponto Area would be subject to City standards for structural, street, and recreational lighting to ensure that lighting impacts do not occur. All future lighting would be shielded and directed downward to prevent spillover into adjacent properties. Additionally, Mitigation Measure B-5, as described in Section 5.2, would require that night lighting be directed away from the lagoon area to minimize potential nighttime lighting impacts to wildlife. Proposed lighting conditions would be addressed through preparation of a lighting plan, to be submitted with a site development plan or other application, subject to review and approval by the Planning Director.

Mandatory compliance for all new building permits would ensure that the proposed project in combination with all past, present and future projects would not contribute to a long-term or

cumulatively considerable lighting impact. Therefore, development on the site would not create a significant new source of substantial light or glare (at either the project or cumulative level) that would adversely affect daytime or nighttime views in the area. Visual impacts resulting from light and glare would, therefore, be less than significant.

In summary, implementation of the Ponto Vision Plan is not anticipated to disrupt the existing pattern of the visual environment, or be incompatible with the existing visual character in terms of dominance, scale, diversity or continuity. Therefore, impacts to visual aesthetics and grading would be less than significant.

5.7.3.2 Long-Term Aesthetic Impacts

Implementation of the Ponto Vision Plan would result in future development of the site with residential, commercial, tourism-oriented, and recreational uses. As a portion of the site is presently developed, and the areas adjacent to the site to the north and east support residential neighborhoods, development proposed with the Vision Plan would be consistent with existing development typical of an urban setting, particularly along a Major Roadway, such as Carlsbad Boulevard. Although the project site currently contains some existing development, buildout under the proposed Vision Plan would represent some change from what is currently on the site; however, future development of the Ponto Area would maintain existing (or lower) pad elevations to the greatest extent practicable. The following analysis evaluates whether that change represents a substantial degradation of the visual character or quality of the site and its surroundings. In addition, all future development within the Ponto Area would be required to be consistent with the Local Coastal Program to maintain existing public views to the maximum extent practicable.

Figures 5.7-2 illustrates the topography of the site and shows existing onsite views. In addition, Figure 5.7-3 identifies the locations from where visual simulations were prepared for the existing and anticipated future conditions on the site. The visual simulations are included in Figures 5.7-4 through 5.7-8.

As discussed in Section 3.4, several preliminary review applications within the Ponto development area were submitted to the City for comment. These projects are considered in the visual analysis. Preliminary site plans for these projects were obtained prior to preparation of the following visual simulations, for awareness of architectural design and character, site layout and views, landscaping, and other development characteristics that may affect the visual environment of the Ponto Area. As these designs are still in the preliminary stages, the visual simulations were not intended to portray an exact image of how these potential developments would appear, but rather to give an illustrative view in order to evaluate how potential development would reflect the overall theme and design guidelines established in the Ponto Vision Plan.

Photosimulation Visual Simulation One (Photos A-1 and A-2)

This simulation depicts the existing and proposed views looking south into the site from Ponto Drive; refer to Figure 5.7-4. As mentioned, the Hanover Beach Colony residential neighborhood is located to the north of the Ponto Area. Access to and from the neighborhood is taken from Ponto Drive, which runs along the southern boundary of the neighborhood. Views into the site would also occur to travelers along Ponto Drive, and from residential

units in Hanover Beach Colony adjacent to this roadway. In addition, units within Lakeshore Gardens Mobilehome Park to the northeast and Poinsettia Shores to the east would also have views of this area.

From this vantage point, views into the Ponto Area would be of the proposed Hotel/Commercial uses in the northern portion of the property (see also Section 3.2). This area is planned for a Garden Hotel, which is envisioned as a three-story hotel offering a small conference facility with views to the ocean, landscaping and pedestrian plazas. The Vision Plan recommends orientation of the façade to Ponto Drive to “create an architectural edge and attractive view” from neighboring residential streets, with the second and third stories stepped back to reduce the visual scale. A parking garage for employee and visitor parking is also envisioned.

A full application has been submitted for this portion of the site, for development of the Hilton Carlsbad Beach Resort. The proposed development area would total approximately seven acres. As described in Section 3.4, the project as proposed would include 215 hotel rooms; 12,820 square feet (SF) of meeting space; a 5,030 SF restaurant; a 1,990 SF café/bar; and spa. In addition, a three-story parking garage is also proposed. Publicly accessible amenities would include oceanfront meeting rooms for functions and weddings, a public spa, and a pedestrian trail along Carlsbad Boulevard. The project would total approximately 24,000 square feet.

Structurally, the hotel facilities would consist of one main hotel building and a parking structure. As proposed, the main hotel would be one-story at the northern end, adjacent to the single-family homes and then would increase to three stories further to the south. The parking garage would be proposed in the eastern portion of the development area. Landscaping would be proposed along Ponto Drive to screen views into the site. Overhead utilities would be undergrounded, as recommended by the Ponto Vision Plan. Therefore, potential impacts are considered to be less than significant.

Photosimulation Visual Simulation Two (Photos B-1 and B-2)

This simulation depicts the existing and proposed views of the site looking southwest from the SDNR at (future) Beach Way; refer to Figure 5.7-5. This area of the site is proposed as a Townhouse Neighborhood, which would consist of a high-density neighborhood (19 dwelling units/acre) with a neighborhood park, visitor parking, and landscaping to buffer views into the site and of the adjacent railroad right-of-way.

Existing views into the site from this vantage point occur across the existing railway tracks of the SDNR. Currently, views across the site from this location are of the undeveloped portion of the site. As seen in the photo-visual simulation, views to the State Beach and the Pacific Ocean are reduced due to elevational differences between this location and these points. Vehicles traveling along Carlsbad Boulevard are visible at intermittent locations, due to existing landscaping and varying site topography. A preliminary review application was submitted for this portion of the site for a mixed-use residential development. The proposed development area would cover approximately 9.5 acres of land. Access to the project area would be provided via Ponto Drive. The proposed project would include 128 attached condominium units, 32,500 square feet of restaurant/retail space, 24 residential stacked flats, nine live/work units, and a four-level parking structure (with one story underground). All

structures would be subject to height restrictions of the applicable zone designation and the Coastal Zone. ~~All structures proposed would observe the maximum height limit of 35 feet above grade.~~ Overhead utilities would be undergrounded, as recommended by the Ponto Vision Plan.

In addition, grading and construction of a retaining wall may be required in association with the construction of Beach Way and Ponto Road to elevate the roadbed eight to ten feet above the existing site elevation in order to connect to Carlsbad Boulevard and to allow for gravity flow for sewerage purposes. Long-term impacts to views across the site as the result of these improvements are not anticipated, as properties in the areas surrounding this portion of the site are generally higher in elevation than the area where the improvements would occur; refer to Figures 5.7-2 and 5.7-5. In addition, consistent with the Local Coastal Program, all future development within the Ponto Area would be required to ~~preserve-protect~~ existing public views, ~~which are generally to the west towards the ocean,~~ to the greatest extent practicable. Therefore, no significant impacts to visual resources from these improvements are anticipated.

Photo-Visual Simulation Three (Photos CA-1 and C-2)

This simulation depicts the existing and proposed views of the site looking southwest across the southern portion of the site (from approximately the SDNR railway tracks and Rudder Avenue); refer to Figure 5.7-6. This portion of the Ponto Area is proposed for a Resort Hotel use that would consist of an upscale beachfront resort that would create an attractive landmark for the southern gateway to Carlsbad. The resort is envisioned to include a combination of hotel lodging and timeshare units, restaurant, meeting facilities, pool and publicly accessible retail shops. Connection to the regional trail system, as well as community trails, is recommended. Some guest and employee parking would be provided aboveground, while the majority would be located underground. Buildings would be oriented to take advantage of views.

Existing views into the site from this vantage point occur across the existing railway tracks of the SDNR. Currently, views across the site from this location are of the undeveloped portion of the site. As seen in the ~~photo-visual~~ simulation, views to the State Beach and the Pacific Ocean are reduced due to elevational differences between this location and these resources. Vehicles traveling along Carlsbad Boulevard are visible at intermittent locations, due to existing landscaping and site topography.

A preliminary review application was submitted for this portion of the site, for comment regarding a resort hotel and timeshare development on approximately 14 acres. Access to the site would be from Avenida Encinas. The project as proposed would include approximately 180 hotel units, 126 timeshare units, 3,700 square feet of retail/restaurant space, 5,000 square feet of banquet space, and a two-level parking structure. All of the hotel and timeshare units as proposed would be within a series of 5 three-story structures. All structures would be subject to height restrictions of the applicable zone designation and the Coastal Zone. ~~all reaching a maximum height of 35 feet as measured from grade.~~ Therefore, potential impacts from this vantage point are considered less than significant

Photosimulation Visual Simulation Four (Photos D-1 and D-2)

This simulation depicts the existing and proposed view from northbound Carlsbad Boulevard looking northeast to the Ponto Area; refer to Figure 5.7-7. This area of the site is proposed for development of the Beachfront Resort, as described above.

Existing views into the Ponto Area from this location would be afforded along Carlsbad Boulevard, with the large bluff above Batiquitos Lagoon in view. With development of the area, the hotel facilities on top of the bluff would be visible to travelers moving north on Carlsbad Boulevard along the majority of the roadway across Batiquitos Lagoon, with visibility becoming greater as distance to the site decreases. Landscaping techniques would be utilized to screen views into the site and to blend the development into the surrounding environment. All structures would be subject to height restrictions of the applicable zone designation and the Coastal Zone. ~~All of the hotel and timeshare units as proposed would be a maximum height of 35 feet as measured from grade.~~ Therefore, potential impacts are considered less than significant

Photosimulation Visual Simulation Five (Photos E-1 and E-2)

This simulation depicts the existing and proposed views looking northeast from the intersection of Avenida Encinas and Carlsbad Boulevard; refer to Figure 5.7-8. This area is proposed as a Mixed-Use/Live Work Neighborhood and is envisioned as providing living space, as well as office and workspace, while allowing for the adaptive reuse of existing buildings or the continuation of compatible uses. This area is proposed to include a Mixed-Use Center with small specialty shops, restaurants, services, offices, housing. Public amenities such as a Wetland Interpretive Park, Community Art and Nature Center, and Village Plaza for public gatherings are also envisioned. One- to three-story buildings are desired, with pedestrian plazas, neighborhood commercial development, and surface parking, as well as a four-level parking structure (one level underground with screened rooftop parking).

Existing views into the site from this location are of the undeveloped portion of the site, with a mixture of grassland and disturbed areas. Residential development to the north and east of the Ponto Area are not visible from this viewpoint location.

A preliminary application was submitted for this portion of the site, for a mixed-use residential development. Overall, the proposed development area would cover approximately 9.5 acres of land, combined with the development area described in Photosimulation Visual Simulation Two above, all of which is under the same ownership. Access to the area would be provided via Ponto Drive. The project as proposed would include 128 attached condominium units, 32,500 square feet of restaurant/retail space, 24 residential stacked flats, nine live/work units, and a four-level parking structure. All structures would be subject to height restrictions of the applicable zone designation and the Coastal Zone. ~~All structures are proposed within the height limit of 35 feet.~~

Ponto Beachfront Village Vision Plan

The Ponto Beachfront Village Vision Plan establishes a set of guidelines for development of the project site. These guidelines are intended to achieve an overall visual cohesiveness for

the site, ensuring that development would not adversely impact the scenic or natural resources afforded by the project's coastal location.

Future onsite development would be required to demonstrate consistency with the Ponto Vision Plan to ensure a quality aesthetic environment for onsite residents and visitors, as well as for views from offsite locations. The design guidelines would be applied as part of the City's review of proposed projects through the design review process or through the review of a discretionary land use permits. The design elements of each project (including site design, architecture, landscaping, signs, and parking design) would be reviewed on a comprehensive basis by the applicable review authority. During the design review process, the review authority may interpret the design guidelines with some flexibility in their application to specific projects, as not all design criteria may be workable or appropriate for each project; however, the overall objective would be to ensure that the intent and spirit of the design guidelines are followed.

The design guidelines are intended to achieve the following key principles:

- Strong sense of place;
- Balance of tourist-serving and neighborhood uses;
- Pedestrian- and bicycle-friendly;
- Unique architectural character;
- Abundant landscaping;
- Gateways;
- Community trail system;
- Enhanced visual and physical beach access; and,
- Convenient parking opportunities.

To reduce the potential visual impacts resulting from development of the Ponto Area, design standards are provided to guide architectural design in terms of architectural character, building heights and rooflines, number of stories, style and scale, and screening of rooftop equipment. In addition, the Ponto Vision Plan calls for the undergrounding of utilities with onsite development.

Recommendations for building orientation and site design are made and include the following techniques to minimize visual impacts of future development on the Ponto Area and to maintain existing views:

- Primary building entrances should be oriented toward public sidewalks to encourage a high level of pedestrian activity.
- When residential and commercial uses are provided in the same structure, separate pedestrian entrances should be provided for each use.
- Vary setbacks to provide informality and diversity. Setbacks should be used for landscaping, plazas, and outdoor dining.

- Buildings should be encircled by a continuous sidewalk or pedestrian space to promote pedestrian access and circulation.
- Encourage off-street courtyards, plazas, and paseos accessible from pedestrian walkways.
- Surface parking should be concentrated in areas away from the street and should be well-landscaped with attractive drive aisles that function as internal streets. Parking areas should be interconnected wherever possible.
- Natural amenities unique to the site such as ocean views, etc., should be preserved and incorporated into development projects.
- Use landscaping to screen parking areas and trash enclosures, create visual interest, and enhance the desired character of the area.
- Refuse storage, service, and loading areas should be located out of view or screened from view so that their use does not interfere with parking and circulation. Refuse storage areas that are visible from upper stories of adjacent structures should include an opaque or semi-opaque cover to mitigate views. All screening devices (landscaping, low walls, structures) should be compatible with surrounding architecture, materials, and colors.

Although Carlsbad Boulevard is considered a scenic corridor, the Ponto Area itself is not. Future development on individually-owned properties would be required to be consistent with the General Plan, Zoning Ordinance, Local Coastal Program, Ponto Beachfront Village Vision Plan, Scenic Corridor Guidelines, and other plans, policies, and ordinances to regulate building height, scale, preservation of significant public views, setbacks, grading, and landscaping to ensure that the scenic value of the site is maintained and visual resources are not diminished as individual properties are developed over time. Therefore, implementation of the Vision Plan is not anticipated to result in significant impacts to a scenic resource or to an existing scenic vista from the view of surrounding land uses.

In addition, the aesthetic quality of the site and its coastal location would be maintained and/or enhanced through the design guidelines given in the Vision Plan. Site and building design, as well as landscaping measures would ensure that the visual integrity of the site is not diminished, but rather enhanced, as development of the property occurs in the future. Therefore, implementation of the Vision Plan would not substantially degrade the existing visual character or quality of the site or its surroundings.

Application of the Ponto Vision Plan Design Guidelines and conformance with other applicable regulations for development of the site would not result in substantial changes to significant natural features. Development would not impact the existing coastal bluffs or views to the Lagoon and Pacific Ocean, and improvements would be made to enhance and maintain the view corridor and entryway. As the site is gently sloping, massive grading that would result in potential visual impacts due to land modification is not anticipated. As such, development of the Ponto Area would avoid substantial changes to significant natural resources and impacts would be less than significant.

City of Carlsbad Scenic Corridor Guidelines

Consistent with the Scenic Corridor Guidelines, the Vision Plan provides guidance for the enhancement of a major entryway into the City along Carlsbad Boulevard, near the northern edge of the Batiquitos Lagoon; refer to Figure 5.7-1. Guidelines are provided for design of a City entry monument, incorporating a low rock wall with natural, informal landscaping. In addition, the Vision Plan recommends street furniture, signage, and public art that would be used to achieve the goal of the Scenic Corridor Guidelines of enhancing the unique character of Carlsbad Boulevard, by reinforcing a beach-oriented theme and improving the visual quality of the roadway.

The Vision Plan proposes the use of a variety of landscaping materials along the proposed Carlsbad Boulevard median and parkway to define the edge and improve aesthetics, while reinforcing an overall beach-oriented theme. All future development would be consistent with the Scenic Corridor Guidelines for landscaping and setbacks along the corridor to reinforce a sense of openness along the Boulevard. The selection of suggested trees and plants is made with particular attention to maintaining views from the roadway to the ocean and within the corridor, consistent with the Scenic Corridor Guidelines. Design guidelines given in the Vision Plan also encourage the use of landscaping to soften the appearance of buildings, screening for undesirable views and parking areas, and to buffer noise, light and fumes from vehicle operations, among other applications.

5.7.3.3 City of Carlsbad General Plan Land Use Element

The following General Plan land use designations currently apply to the proposed Ponto Area: UA – Unplanned Area; TR/C – Travel/Recreation Commercial; RMH – Residential Medium High (8–15 dwelling units/acre); RMH/TR – a dual designation indicating that with further planning, one or both uses may be appropriate; and, OS – Open Space and Community Parks; refer to Figure 5.11-2. The Vision Plan would require an amendment to the General Plan and Local Coastal Program to allow for project implementation under an “Area of Special Consideration” designation; however, development proposed under the Vision Plan is considered consistent with the type of development allowed under the existing General Plan designations, as well as the Local Coastal Program. Therefore, the Vision Plan would not conflict with an existing land use plan or result in development that is inconsistent with the anticipated use of the site.

5.7.3.4 City of Carlsbad Zoning Ordinance

At present, there are three City zoning designations for the various parcels in the Ponto Area. These designations include: PC – Planned Community; CT-Q – Commercial Tourist zone with Qualified Development Overlay; RD-M-Q – Residential Density – Multiple zone with Qualified Development Overlay; and, CT-Q/RD-M-Q – A dual designation indicating that with further planning, one or both uses may be appropriate; refer to Figure 5.11-3. No changes to the existing zoning are proposed with implementation of the Vision Plan. Individual ownerships within the 50-acre development area would be allowed to develop consistent with the existing underlying zoning with or without approval of the Ponto Vision Plan. Therefore, the Vision Plan would not result in uses on the site that would conflict with the existing zoning or result in uses that are not consistent with those intended for the site.

5.7.3.5 Grading/Landform Modification

As development of individual properties would occur over time within the Ponto Area, temporary grading for building pads and onsite roadways, as well as the installation of utilities, to allow for development of the site would occur, most likely intermittently. Portions of graded surfaces, construction equipment, and truck traffic may at times be visible from certain offsite public vantage points, depending on the location of the grading and existing development on the property at the time that improvements occur. As the Vision Plan does not propose specific development, grading quantities would be determined at the time when individual grading permits are submitted to and reviewed by the City. However, as development of the project site would occur on individual ownerships and is anticipated to occur over a number of years in the future, rather than concentrated at one time, potential visual impacts caused by grading and construction equipment would be less as compared to a scenario where the entire 50-acre development area was developed at once.

Future onsite grading would be required to conform to the Carlsbad Municipal Code and the City of Carlsbad Design Guidelines Manual and would be subject to review by the City Engineer. Cut and fill slopes would be subject to the requirements of the Landscape Design Manual for slope stabilization and erosion control, as well as revegetation requirements for disturbed slopes. The use of retaining walls, if needed, and their potential visual effect would also be evaluated at the time of discretionary review, and mitigation (i.e., screening) would be proposed as applicable to reduce potential visual impacts to less than significant. The existing topography on the project site is a gentle slope with no significant elevational changes. As such, there are no natural slopes with gradients of 40% or greater and no manufactured slopes greater than 20 feet proposed. As such, future grading activities on the project site would not substantially degrade the existing visual character or quality of the site and its surroundings, and impacts would be less than significant.

As noted in Section 3.2.3.3, potentially extensive grading and construction of a retaining wall may be required in association with the construction of Beach Way and Ponto Road to elevate the roadbed eight to ten feet above the existing site elevation in order to connect to Carlsbad Boulevard and to allow for gravity flow for sewerage purposes. Visual impacts may result from construction activities for these improvements but would be temporary, and, therefore, are not considered to be significant. Additionally, long-term visual impacts are not anticipated, as public views across the site would not be impaired by the landform modification required to achieve the elevational change for these improvements. Properties surrounding the Ponto Area are generally higher in elevation than the area where the roadway would be constructed; therefore, it is not anticipated that long-term visual impacts, such as the obstruction of public views, would occur as a result of these proposed improvements; refer to Figures 5.7-2 and 5.7-5.

Consistent with this approach, development of the proposed Hilton Carlsbad Beach Resort in the northern portion of the Ponto Area would require a cut slope and importation of approximately 8,000 c.y. of soil to achieve a final building pad height of approximately 60 feet amsl. Relative to the Hanover Beach Colony development, located just to the north of where the Hilton project is proposed, existing elevations generally range from approximately

60–64 feet amsl. Therefore, the building pad elevation of the Hilton project would generally be lower than that of the adjacent Hanover development.

In addition, all construction lighting would be of the minimum necessary for safety purposes, and all lighting would be shielded and directed downward so as not to spillover into adjacent neighborhoods or open space areas. Construction impacts would be short-term and would cease upon project completion. As such, short-term visual impacts due to site improvement activities would not result in a new source of substantial light or glare. Potential impacts would be less than significant and mitigation would not be required.

5.7.4 Mitigation Measures

Short-Term Aesthetic Impacts

No significant short-term aesthetic impacts as the result of site grading or construction activities or light and glare have been identified. As such, no mitigation would be required.

Long Term Aesthetic Impacts

No significant long-term aesthetic impacts as a result of site development have been identified. As such, no mitigation would be required.

5.7.4.1 City Standard Conditions of Approval

Development within the proposed Ponto Area would be subject to the following standard Conditions of Approval:

- Development within the Ponto Area shall comply with the City's Scenic Corridor Development Standards and shall require approval of a Scenic Corridor Special Use Permit, as applicable.
- Prior to the issuance of a grading permit or improvement plans in lieu of a grading permit, the applicant shall submit to the satisfaction of the City Director of Planning a Landscape Plan showing vegetative cover on manufactured slopes to reduce the visibility of the slopes from offsite locations. The planting shall be consistent with the approved Landscape Plan for the project and the City's Landscape Design Manual. Additionally, the Landscape Plan shall include design of proposed retaining walls and vegetative screening.
- As a Condition of Approval and prior to occupancy, the developer shall install landscape screening with plant materials of varying form, height, and densities to soften and vary graded slope planes (consistent with a prepared Landscape Plan) to minimize the visual impact of graded slopes from view of any public road. The Landscape Plan shall be approved by the City Director of Planning and Land Use, prior to issuance of any permit.
- The applicant shall prepare a Lighting Plan consistent with, but not limited to, City requirements for light shielding, limitations on decorative lighting, night sky compliance, and reduced height standards in parking areas, as applicable. The Lighting Plan shall be subject to review and approval by the Planning Director.

- The applicant shall prepare a Grading Plan, subject to review and approval by the City Engineer, consistent with City engineering standards and requirements. To the greatest extent possible, the Grading Plan shall achieve a final building pad elevation that is similar to or lower than the existing elevation.

5.7.5 Impact After Mitigation

No significant impacts related to aesthetics have been identified.

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**Figure 5.7-1
Gateway Locations**

(11 x 17) color PLACEHOLDER

**Figure 5.7-2
Onsite Views**

(11x17) color PLACEHOLDER

**Figure 5.7-3
Viewpoint Location Map**

(11 x 17 color) PLACEHOLDER

**Figure 5.7-4
Visual Simulation**

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**Figure 5.7-5
Visual Simulation**

(11 x 17 color) PLACEHOLDER

**Figure 5.7-6
Visual Simulation**

(11 x 17 color) PLACEHOLDER

**Figure 5.7-7
Visual Simulation**

(11 x 17 color) PLACEHOLDER

**Figure 5.7-8
Visual Simulation**

(11 x 17 color) PLACEHOLDER

5.8 AGRICULTURAL RESOURCES

Agricultural uses within the County of San Diego and the City of Carlsbad have been historically common, largely facilitated by the formation of large ranches in the early 19th century. Notable large-scale agricultural operations currently operating within the City of Carlsbad include the Carlsbad Flower Fields, located east of Interstate 5 on Palomar Airport Road, and the Carlsbad Strawberry Fields, located just off of I-5 at Cannon Road.

However, as the City of Carlsbad has continued to grow over past decades, agricultural uses have been replaced with residential and commercial uses to support the increasing population. These factors have resulted in a general increase in the value of land within the City, as well as the cost of water utilized for irrigation and labor resources required for agricultural operation. Today, as the City of Carlsbad is largely built-out and the demand for lands once utilized for agricultural purposes continues to increase in order to support the growing population, many of the City's agricultural lands continue to be sold off and converted instead to other uses.

5.8.1 Existing Conditions

5.8.1.1 Existing Activities

The proposed Ponto Area currently supports a mixture of residential, light-industrial uses, along with undeveloped land. One individual property at the northern boundary within the Ponto Area is identified as non-prime Coastal Agricultural land within the Mello II Segment of the Local Coastal Program (LCP); refer to Figure 5.7-1.

5.8.1.2 Zoning

The project site has the following zoning designations: PC – Planned Community; CT-Q – Commercial Tourist zone with Qualified Development Overlay; RD-M-Q – Residential Density – Multiple zone with Qualified Development Overlay; and, CT-Q/RD-M-Q – a dual designation indicating that with further planning, one or both uses may be appropriate. These underlying zoning designations are not intended for the preservation of agricultural lands onsite or to support continued agricultural activities, but rather support future urban land uses on the property. No change to the existing zoning is proposed with adoption of the Vision Plan.

5.8.1.3 Important Farmland Categories

The Important Farmland Mapping Categories Map is prepared by the California Resources Agency under the Farmland Mapping and Monitoring Program (FMMP), which maps important farmland on agricultural lands. According to the FMMP, the project site contains land designated as Urban and Built-up Land and Other Land. No land designated as Farmland of Local Importance occurs within the 50-acre Ponto Area planned for development. The FMMP considers United States Department of Agriculture (USDA) Soil Survey information in combination with Important Farmland categorization to assess the potential for lands to be utilized as agricultural land resources.

Farmland types are defined within *A Guide to the Farmland Mapping and Monitoring Program, Appendix B: Mapping Categories and Soil Taxonomy Terms*, from the California Department of Conservation Farmland Mapping and Monitoring Program. The following are definitions of the Farmland Mapping Categories:

A. Prime Farmland

“Land with the best combination of physical and chemical features able to sustain long-term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for agricultural production of irrigated crops at some time during the [past four years].”

B. Farmland of Statewide Importance

“Land similar to Prime Farmland that has a good combination of physical and chemical characteristics for the production of agricultural crops. This land has minor shortcomings, such as greater slopes or less ability to store soil moisture than Prime Farmland. Land must have been used for production of irrigated crops at sometime during the [past four years].”

C. Unique Farmland

“Unique Farmland is land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, that has been used for the production of specific high economic value crops at some time during the two update cycles prior to the mapping date. It has a special combination of soil quality, location, growing season and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes, and cut flowers. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.”

D. Farmland of Local Importance

“Land that meets all the characteristics of Prime and Statewide, with the exception of irrigation. Farmlands not covered by the above categories but are of significant economic importance to the County. They have a history of good production for locally adapted crops. The soils are grouped in types that are suited for truck crops (such as tomatoes, strawberries, cucumbers, potatoes, celery, squash, romaine lettuce, and cauliflower) and soils suited for orchard crops (avocados and citrus).”

E. Other Land and Built-Up Land

Other Land and Built-Up Land are lands that do not qualify for one of the above classifications. These lands are generally disturbed or developed lands with no agricultural value or significance; refer to Figure 5.8-2 for an illustration of such lands onsite.

5.8.1.4 San Diego County Agricultural Conversion

Agricultural Soils

The U.S. Department of Agriculture (USDA) Soil Conservation Service (SCS) Soil Survey Maps were searched for available soils within the subject site. Two soil series are located on the subject site and are described as the following:

Terrace Escarpments (TeF): This soil consists of steep to very steep escarpments and escarpment-like landscapes. The terrace escarpments occur on the nearly even fronts of terraces or alluvial fans. The escarpment-like landscapes occur between narrow flood plains and adjoining uplands and the very steep sides of drainageways that are entrenching into fairly level uplands. In most places there is 4 to 10 inches of loamy or gravelly soil over soft marine sandstone, shale, or gravelly sediments. The vegetation ranges from a sparse cover of brush and annual forbs and grasses on south-facing slopes, to a fairly dense cover on north-facing slopes. This land type occurs mainly on the coastal plain and as small areas in the foothills and the desert. It is used chiefly for watershed.

Marina loamy coarse sand, 2 to 9 percent slopes (MIC): This is an undulating to gently rolling soil on ridges. The slope is dominantly 4 percent. The elevation ranges from near sea level to 300 feet. Included with this soil in mapping are small areas of Carlsbad soils, Chesterton soils, and Corralitos soils. Fertility is medium. Permeability is rapid. The available water holding capacity is 4 to 5 inches. Runoff is slow to medium, and the erosion hazard is slight to moderate.

California Land Conservation (Williamson Act)

The Williamson Act allows for the creation of agricultural tax preserves for the protection of agricultural lands and open space. Preferential tax treatment is given to individuals in exchange for the release of development rights on such properties for purposes of land protection. Under a Williamson Act Contract (Agricultural Preserve), agricultural lands are placed under contract between the individual landowner and the local government. The property is then taxed by the City, based on its ability to generate income from agricultural production.

One Williamson Act reserve is located within the City of Carlsbad and applies to the approximately 330-acre “Flower Fields” along the east side of I-5. None of the properties included within the Ponto Area are encumbered by a Williamson Act Contract or Agricultural Preserve.

City of Carlsbad General Plan Policies

The City of Carlsbad General Plan Land Use Element provides for land use designations that allow agricultural uses; however, no land within the City is specifically designated for agricultural use or designation. The General Plan designations that apply to the subject site are intended for an urbanized area, and not for general agricultural uses.

The following General Plan goals of the Land Use Element apply to the subject site:

Goals

A.1. A City which prevents the premature elimination of agricultural land and preserves said lands wherever possible;

A.2. A City which supports agriculture while planning for possible transition to urban uses.

Although agriculture is an important resource within the City of Carlsbad, according to the Land Use Element, the City's goals are generally "intended to support agricultural activities while planning for the possible future transition of the land to more urban uses consistent with the policies of the General Plan and Local Coastal Program (LCP)." The LCP regulates the conversion of agricultural lands to urban land uses by requiring mitigation measures for the conversion of such agricultural lands. The City also offers programs that provide financial assistance to aid in the prevention of premature conversion of such lands and support the Williamson Act to reduce financial burdens on agricultural lands. City policies also include partnering with neighboring cities to preserve agricultural resources along shared boundaries and continued efforts to ensure that the Flower Fields and lands east of I-5 to the first ridgeline be preserved. However, as the City is largely built out and maintains an urban character, the City recognizes that although some agricultural lands will continue to be utilized for such purposes over the long-term, many lands that currently support agricultural crop production will likely be transitioned to other land uses over time.

5.8.2 Thresholds for Determining Significance

The significance thresholds used for this section are taken from Appendix G of the CEQA Guidelines. For the purpose of this EIR, a significant impact to agricultural resources would occur if the proposed project would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- Involve other changes in the existing environment, which, due to their location or nature, could result in the conversion of Farmland to non-agricultural use; or,
- Appendix G of the CEQA Guidelines also identifies the California Agricultural Land Evaluation and Site Assessment Model (LESA) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

(A LESA model was not prepared for the project site, as no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance [Farmland] was identified on the project site).

5.8.3 Environmental Impact

The proposed amendments to the existing General Plan and Local Coastal Program that would be required for implementation of the Ponto Beachfront Village Vision Plan would not result in significant impacts to agricultural resources due to the conversion of Prime

Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use, as no such lands have been identified on the project site. However, one individual property at the northern boundary within the Ponto Area is identified in the Mello II Segment of the Local Coastal Program and would require compliance with agricultural conversion requirements when future development occurs (Policy 2-1). The LCP states that designated non-prime agricultural lands “shall be permitted to convert to urban uses, subject to the agricultural mitigation or feasibility provisions set forth in the LCP.” Consistent with the LCP, mitigation for the conversion of this land to non-agricultural uses would be provided in the form of a fee, to be determined by the City Council at the time it considers a coastal development permit for development. The fee would be limited to not less than \$5,000 and not more than \$10,000 per net acre of agricultural land and would be paid prior to issuance of building permit, consistent with the requirements of the LCP. As mitigation would be required under the LCP, this measure is not considered as a mitigation measure, but rather a project design consideration. Therefore, consistency with the Local Coastal Program Mello II Segment agricultural conversion requirements would reduce impacts to agricultural resources to less than significant.

A. Zoning

The project site has the following zoning designations: PC – Planned Community; CT-Q – Commercial Tourist zone with Qualified Development Overlay; RD-M-Q – Residential Density – Multiple zone with Qualified Development Overlay; and, CT-Q/RD-M-Q – A dual designation indicating that with further planning, one or both uses may be appropriate. No change to the existing zoning is proposed with adoption of the Vision Plan. These underlying zoning designations are not intended for the preservation of agricultural lands onsite or to support continued agricultural activities, but rather support future urban land uses on the property. Therefore, the proposed project would not result in a significant impact as the result of a conflict with an existing zone for agricultural use.

B. Williamson Act

No properties within the Ponto Area are encumbered by a Williamson Act contract. Therefore, the proposed development of the Ponto Area would not result in a conflict with a Williamson Act contracted property with regards to the conversion to non-agricultural use. The project would not result in a significant impact as the result of a conflict with a Williamson Act contract.

C. City of Carlsbad General Plan Policies

As stated previously, the General Plan contains several goals and policies aimed at controlling the conversion of agricultural lands within the City to non-agricultural uses; however, these goals and policies are not aimed at preservation of such lands, as the City is largely urbanized in character. As no agriculturally productive land currently exists on the Ponto Area, the project would not conflict with City policies aimed at encouraging the continued operation of such uses or result in the premature conversion of such land.

D. Conversion of Adjacent Agricultural Land

The proposed project would not result in the conversion of adjacent agricultural lands to non-agricultural uses. The Ponto Area is located within an urban area. Surrounding lands to the north and east are largely built-out and support residential uses, while lands to the south and

west are either undevelopable (Batiquitos Lagoon) or support recreational uses (Carlsbad State Beach). Although lands within the City support limited agricultural uses (i.e. Flower Fields), these uses are located at a distance from the project site. In addition, the proposed project would be consistent with the type of development envisioned for the area, as supported by the South Carlsbad Coastal Redevelopment Area, LCP, existing zoning and General Plan land use designations, and the Ponto Beachfront Village Vision Plan. Therefore, the proposed project is not anticipated to involve other changes in the existing environment, which, due to their location or nature, could result in the conversion of Farmland to non-agricultural use either onsite or on adjacent properties. Therefore, impacts to adjacent agricultural lands would be less than significant.

5.8.4 Mitigation Measures

No significant impacts to agricultural resources would result from the proposed project, therefore no mitigation measures are proposed.

5.8.5 Impact After Mitigation

No significant impacts to agricultural resources are anticipated as the result of the proposed project.

Figure 5.8-1
Urban Land Uses - Mello II Zones 9 and 22

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Figure 5.8-2
Important Farmland Mapping Categories

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5.9 GEOLOGY AND SOILS

Kleinfelder, Inc. completed a geologic reconnaissance and evaluation of the Ponto Area in July 2006 with regards to potential geologic and/or seismic hazards. These hazards include landslides, erosion, liquefaction, fault rupture, seismic shaking, tsunamis, flooding, expansive soils, and collapsible soils. The following sections discuss these hazards and their potential impact at this site in more detail. The geotechnical assessment is included as Appendix H of this EIR.

5.9.1 Existing Conditions

5.9.1.1 Geology

Regional Setting

The project site is located within the coastal region of the Peninsular Ranges geomorphic province (Norris and Webb, 1990). This province stretches for several hundreds of miles south from the Los Angeles area to the tip of Baja California. It is anchored by Cretaceous-age igneous rocks of the Southern California Batholith and contains various Jurassic-age metamorphic rocks (as roof pendants), often situated as isolated blocks within the igneous rocks.

The western coastal zone of San Diego County is dominated by a westward thickening wedge of sedimentary units that were deposited on the igneous and metamorphic rocks described above. These sedimentary units can be divided into three packages of deposits based on their sequence and age of deposition. The oldest sequence consists of claystone, siltstone, sandstone, and conglomerate deposited during late Cretaceous time. The second sequence of sediments was deposited during the Tertiary (Eocene and Pliocene) and consists of a variety of claystone, siltstone, sandstone, and conglomerate.

The most recent sedimentary deposits consist of early to late Pleistocene near shore marine, estuarine, and delta deposits (paralic deposits). The majority of these sediments were deposited on wave cut surfaces developed in response to sea level fluctuations and regional tectonic uplift during the Pleistocene. The oldest deposits are typically identified as the Linda Vista Formation (Qvop) and consist of conglomerate and sandstone with minor clay and silt strata. The youngest terrace deposits (late Pleistocene) are known as the Bay Point Formation (Qop) and have been mapped throughout the coastal region of San Diego County. The Pleistocene period resulted in the formation of the benched terrace mesas within the coastal region of San Diego County and the development of the east to west system of drainages that dissected the now elevated terraces and empty into the Pacific Ocean.

Project Setting

The project site resides on a beach-parallel terrace with an average elevation of approximately 50 feet above mean sea level (amsl); refer to Figure 5.9-1 (identified as Qop6-7). This terrace is typically underlain by reddish brown sand, silt and gravel deposits and range from 10 to 20 feet in thickness below the site. Inspection of the deposits in exposed cuts along the San Diego Northern Railroad revealed that they consist mostly of brown to reddish brown poorly sorted sands. The reddish brown coloration is caused by late Pleistocene pedogenic soil development processes that leach and concentrate hematite.

Soils

Four soil/geologic units were identified within the Ponto Area. These include residual soils, artificial fill soils, Quaternary terrace deposits, and Eocene age Santiago Formation.

Residual Soils

These soils include near-surface units consisting of natural pedogenic topsoil and other shallow near-surface units consisting of colluvium. The topsoil units are generally weakly developed where observed and are less than two feet in thickness. Colluvium was not directly observed, but is expected to have accumulated in low-lying drainages and/or depressions. These soils are anticipated to be less than two feet in thickness, based on the low topographic relief of the site.

Artificial Fill

An approximate 200-foot long embankment fill slope ascends to Carlsbad Boulevard near the mid-portion of the western property boundary. This fill slope reaches to approximately 10 feet in height, with a gradient of 1.5:1. A second embankment fill is located onsite and was created as part of the bridge approach for Avenida Encinas, which over crosses the San Diego Northern Railroad (SDNR) tracks to the east of the site. Minor grading has also occurred for the adjacent railway and onsite roads, as well as the existing residential and light-industrial uses, and is assumed to have consisted of cuts and fills of less than five feet in depth.

Quaternary Terrace Deposits

The site is underlain by geologically recent units comprised of terrace material which were deposited on a wave cut platform during the late Pleistocene period. These units are up to 10 to 20 feet in thickness and consist of a reddish-brown, medium grained silty sand in a weakly cemented condition.

Eocene Santiago Formation

The terrace deposit has been uncomfortably deposited on top of older Eocene age Santiago Formation. This unit typically consists of a medium to coarse-grained sand with occasional beds or claystone. The material is generally light gray to greenish gray in color and is weakly to moderately cemented.

5.9.1.2 Seismicity

Tectonism and faulting in the southern California region is controlled by strain release across the San Andreas Fault System. The San Andreas Fault stretches from the Gulf of California in Mexico along a northwest alignment through the desert region of Southern California up to Northern California, where it trends offshore north of San Francisco.

The major faults east of San Diego County include the San Andreas Fault, the San Jacinto fault and the Elsinore fault; refer to Figure 5.9-2. Major faults west of San Diego include the Palos Verdes-Coronado Bank fault, the San Diego Trough fault, and the Santa Clemente fault. The most dominant zone of faulting within the San Diego region are several faults associated with the Rose Canyon Fault Zone (RCFZ).

Several offshore fault features are located near the project site. These faults include both potentially active and active faults. The closest active faults are associated with offshore extensions of the Rose Canyon Fault Zone and occur approximately three to five miles west of the site.

Several onshore faults have also been mapped near the project site. The regional geologic map shows a notable fault strand approximately two miles northeast of the site; refer to Figure 5.9-2. Several similar fault features have been mapped in the Santiago Formation in the beach bluffs one mile south of the site, beyond Batiquitos Lagoon. ~~These faults are generally classified as being only potentially active.~~ No known active or potentially active fault related features are known to exist on the subject site.

Ground Shaking

Ground shaking may potentially occur onsite as the result of earthquake activity along a major fault, most likely along the regional Rose Canyon Fault, due to its proximity. Ground motion at the site, estimated through the California Geologic Survey website, indicates a maximum horizontal acceleration of 0.3g at a 10% probability of being exceeded in a 50-year period. This acceleration rate is used to classify Uniform Building Code (UBC, 2001) minimum building design requirements.

Ground Rupture

No active or potentially active faults were identified onsite in the geologic analysis. Therefore, the risk of onsite ground rupture along an existing fault is considered to have a low chance of occurrence.

Liquefaction

Liquefaction is generally caused when a loose (unconsolidated), cohesionless, saturated soil loses its shear strength (liquefies) during periods of ground motion caused by an event such as seismic shaking induced by an earthquake. Liquefied soils undergo significant loss in support capacity, which can result in catastrophic settlement of structures. Soils prone to liquefaction consist of poorly consolidated sands and sandy silts in areas of high groundwater. These types of soils are typically deposited within low-lying drainage channels and alluvial valleys influenced by fluvial processes. The subject site does not contain alluvial soils and depth to groundwater is estimated at approximately 50 feet bgs, thereby reducing the chance for liquefaction to occur onsite.

Dynamic Settlement and Settlement

Settlement of soils can be the result of seismic activity, particularly in unstable sands. Varying conditions, such as soil moisture, density, and material shape, can increase the potential for settlement to occur, due to seismic shaking.

Tsunami

Tsunamis are large sea waves that result from vertical displacement of ocean bottom faults or movement of submarine landslides. The resulting wave can travel at hundreds of miles an hour over thousands of miles across the ocean. Near shore, the waves increase in height and shorten in wavelength and can travel for great distances inland. The distance of travel is based on the amount of ground surface relief of the coastal region and the size of the wave.

Tsunami hazard due to submarine faulting or landsliding from both near field and far-field sources are considered as probable hazards for the California coast.

5.9.1.3 Groundwater

Groundwater seeps were not observed onsite nor along the face of the various cut, fill and natural slopes bordering the property during the 2006 site survey. Near surface groundwater does occur locally in beach bluffs and railroad cuts in North County. Review of regional groundwater data in conjunction with the nearby location of the site to the ocean and Batiquitos Lagoon, indicated that groundwater depth is approximately 50 feet below ground surface (bgs). Shallower perched groundwater, associated with landscape or agricultural irrigation, may be present onsite or in the vicinity of the site.

5.9.1.4 Flooding

The Federal Emergency and Management Administration (FEMA) maintains a collection of Flood Insurance Rate Maps (FIRM) that cover the United States. These maps identify areas that may be subjected to 100-year and 500-year cycle floods. The Ponto site is included on four FEMA flood maps consisting of panel 1027F, 1029F, 1031F and 1033F. Review of the maps indicated that the subject site is not located within a 100-year floodplain.

5.9.1.5 Landslides

Landslides are deep-seated ground failures (several tens to hundreds of feet in depth) in which a large wedge-shaped block of a slope detaches and slides downhill. Landslides differ from minor slope failures (slumps), which are usually limited to the topsoil zone and can occur on slopes composed of almost any geologic material. Landslides can cause damage to structures both above and below the slide mass. Structures above the slide area are typically damaged by undermining of foundations, while areas below a slide mass can be damaged by being overridden and crushed by the failed slope material.

Several formations within San Diego County are particularly prone to landsliding. These formations generally have high clay content and mobilize when they become saturated with water. The 2006 visual survey and geologic analysis did not identify onsite areas where landsliding has occurred, although several shallow slumps were observed near a slope associated with the railway to the east of the site.

Several graded slopes exist on the Ponto property. A westerly descending cut slope is located along the southwest side of the site, adjacent to Carlsbad Boulevard, with a maximum height of approximately 25 feet and an overall gradient of 1.3:1 (horizontal to vertical units). The upper area of this slope has gradients steeper than 1:1. Another cut slope occurs along the southeastern edge of the site and was created for the SDNR tracks that descend down grade to Batiquitos Lagoon to the south. The cut begins near the mid-portion of the site and gradually increases in height to approximately 25 feet at the southern end. The cut has an overall gradient steeper than 1:1. As mentioned, an approximately 200-foot long embankment fill slope ascends to Carlsbad Boulevard near the mid-portion of the western property boundary. This fill reaches an approximate height of 10 feet with a gradient of 1.5:1. Another onsite embankment fill was placed as part of the bridge approach for Avenida Encinas, which crosses over the SDNR tracks. A natural slope also descends downward to

Batiquitos Lagoon on the south side of the site, which reaches an approximate height of 35 feet and has a gradient of approximately 1.5:1.

Aside from the earthwork related to the railway and onsite roadway projects, the site has undergone minor grading to accommodate the construction of various building pads in the northern portion of the site. It is estimated that this work consisted of cuts and fills of less than five feet in depth.

5.9.1.6 Expansive Soils

Expansive soils are characterized by their ability to undergo significant volume changes (shrink or swell) due to variations in moisture content. Soils prone to these effects are fine-grained clays and sometimes silts. Changes in soil moisture content can result from precipitation, landscape irrigation, utility leakage, roof drainage, perched groundwater, drought, or other factors and may result in unacceptable settlement or heave of structures or concrete slabs supported on grade. Sandy soils onsite have very low clay content.

5.9.1.7 Collapsible Soils

Collapsible soils are comprised of low-density open grain soil material with a high void ratio. These soils can support light to moderate building loads for years with no noticeable adverse settlement. However, when these soils become saturated under load, the soils often fail due to hydro-consolidation, resulting in settlement (collapse). Soils most prone to collapse typically consist of recently laid alluvial sands and silty sands deposited during flash flood type events. The soils underlying the subject site consist of dense sands and are generally not prone to collapse.

5.9.2 Thresholds for Determining Significance

For purposes of this EIR a significant impact relating to geology and soils would occur if the proposed project would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. Rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zone Map;
 - ii. Strong seismic ground shaking;
 - iii. Seismic-related ground failure, including liquefaction; or,
 - iv. Landslides.
- Result in substantial soil erosion or loss of topsoil;
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction or collapse; or,
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code.

5.9.3 Environmental Impact

5.9.3.1 Geology

In general, the geologic evaluation determined that potential geologic impacts at the site are minimal and that the site is suitable for development as envisioned under the Ponto Beachfront Village Vision Plan. Soils are supportive of site development, as expansive or collapsible soils are not anticipated to represent hazardous conditions, and the threat of damage caused by landslide is low. Future individual projects on the Ponto site would be subject to the minimum design requirements of the Uniform Building Code at the time development occurs, to address special conditions that may affect design or construction. Therefore, potential impacts are considered less than significant.

5.9.3.2 Seismicity

As the project site is located in the seismically active Southern California region, structures constructed on the site will be subjected to seismic shaking during their lifetime. The principal seismic considerations for most projects in Southern California are damage caused by surface rupturing of fault traces, ground shaking, seismically-induced landslides, ground settlement, or liquefaction. The seismic hazard most likely to impact the project site is ground shaking resulting from an earthquake on one of the major active regional faults. The closest active faults to the site are associated with offshore extensions of the Rose Canyon Fault Zone and occur approximately three to five miles west of the site. Ground motion at the site estimated through the California Geologic Survey website indicates maximum accelerations of approximately 0.3g at a 10% probability of being exceeded in a 50-year period. Although the project site may experience seismic shaking during a major earthquake, the project is not anticipated to expose future residents or visitors to potential substantial adverse effects as a result of site development. To reduce the potential effects of seismic shaking, all development proposed would be required to be designed in accordance with the latest (2001) edition of the California Building Code (CBC) for Seismic Zone 4.

The potential for hazards caused by ground rupture is not considered significant, as no active or potentially active faults are known to cross the project site. The potential for hazards caused by liquefaction, settlement, or both, is also considered to be low, due to the dense condition of onsite soils and the apparent absence of a near-surface groundwater table. Therefore, potential impacts relative to hazardous conditions as the result of ground rupture, liquefaction, or settlement would be less than significant.

Recent research indicates that the greatest tsunami threat to the Southern California coast may be from near-field events on sections along offshore faults from San Diego. For San Diego County, it is estimated that the maximum run-up for an event on one of these fault sections could be up to 6.5 feet. Due to the elevation of the project site at approximately 30 to 70 feet amsl, potential impacts relative to hazardous conditions as the result of a tsunami are considered to be less than significant.

5.9.3.3 Groundwater

Adverse impacts or hazardous onsite conditions resulting from a shallow groundwater table or unstable soils are not anticipated to result with development of the subject site. Liquefaction is generally considered a constraint when groundwater is present. Depth to

groundwater at the project site is estimated to be approximately 50 feet bgs. As stated above, based on the dense soils that occur onsite and the absence of near-surface groundwater, hazards with respect to liquefaction would be considered low. Site development would include appropriate drainage provisions for control and drainage of surface runoff to reduce the potential for adverse impacts caused by inadequate drainage facilities; refer to Section 5.10. Therefore, potential impacts relative to hazards caused by groundwater are considered to be less than significant.

5.9.3.4 Flooding

Review of the Flood Insurance Rate Maps revealed that the site is not mapped within either a 100-year or a 500-year floodplain. The closest mapped flooding area to a 100-year zone abuts the bottom of the Batiquitos slope to the south of the site. Therefore, potential impacts relative to hazardous conditions as the result of flooding would be less than significant.

5.9.3.5 Landslides

The potential for landsliding was considered for instability within the site boundaries, as well as on slopes adjacent to and offsite of the property. The most notable slope within the property boundary is the bridge embankment for the Avenida Encinas over-crossing. The site is also nearby or adjacent to several slopes that were addressed in the geologic analysis. These slopes include the beach bluff to the west of the site, the natural slope to the south of the site that descends downward to Batiquitos Lagoon (Batiquitos Slope), the cut slope along the east side of the site for the railroad line (Railroad Cut Slope), and the cut slope along the western side of the site, adjacent to the southwest boundary with Carlsbad Boulevard (Boulevard Cut Slope).

No landslides were identified on the Ponto site. Conditions along the manufactured and natural slopes both on- and offsite were not indicative of the potential for landslides to occur. Construction or improvement of manufactured slopes required for future development of the Ponto Area would be subject to review and approval by the City, and designed in conformance with City engineering design standards. Although some signs of natural erosion and shallow slump failures were evident, the potential for landslides to occur is considered to be low. Therefore, potential impacts relative to hazardous conditions as the result of landslides would be less than significant.

5.9.3.6 Expansive Soils

Expansive soils are characterized by their ability to undergo significant volume changes (shrink or swell) due to variations in moisture content. Soils prone to these effects are fine-grained clays and sometimes silts. Due to the apparent very low clay content of the sandy soils on the Ponto site, expansive soils are not anticipated to result in a significant hazard. Therefore, potential impacts relative to hazardous conditions as the result of expansive soils would be less than significant.

5.9.3.7 Collapsible Soils

Collapsible soils are comprised of low-density open grain soil material with a high void ratio. Soils most prone to collapse typically consist of recently laid alluvial sands and silty sands, deposited during flash flood type events. The soils underlying the Ponto site consist of dense

sands deposited during the late Pleistocene and Eocene time, and hazard with regards to collapse is considered to be low. Therefore, potential impacts relative to hazardous conditions as the result of collapsible soils would be less than significant.

5.9.3.8 Erosion

The geologic materials underlying the site are composed of poorly graded sands and silty sands, which typically are weakly cemented. As such, they are prone to erosion on unprotected slopes. The amount of potential erosion is related to the steepness and height of the slope as well as the quantity of runoff that flows over the face of the slope. The cut slopes (Railroad and Boulevard slopes) surrounding the southern end of the Ponto Area are currently undergoing a moderate amount of erosion. This erosion is due primarily to surface water flow over the face of the slope which results in the formation of rills and gullies. Rilling is characteristic on slopes consisting of weakly-cemented sandy materials, and is well established on both the Railroad and Boulevard slopes. The Batiquitos slope also exhibits rills but to a lesser amount due to its lower gradient and better-established vegetation cover.

Development of the Ponto Area is not anticipated to result in substantial soil erosion or loss of topsoil during grading activities, due to onsite soil types and existing site topography. Disturbance of the ground surface during construction of any proposed development may increase or decrease the erosion potential of the site. Proper grading techniques (with appropriate compaction efforts), use of stormwater pollution prevention devices, revegetation of disturbed areas, and construction of appropriate drainage provisions would reduce the potential for erosion onsite. The project would be designed and constructed in accordance with properly-engineered grading and drainage plans and would not negatively impact the erosion potential of the site and surrounding areas.

All graded slopes resulting during development within the Ponto Area would be required to conform to minimum design requirements of the City of Carlsbad, the Uniform Building Code, and any recommendations given in the Geologic Hazards Evaluation (Appendix H) to reduce the potential for damage to occur from erosion. Compliance with these performance standards would minimize the potential for soil erosion to result during development of the site. Therefore, potential impacts relative to hazardous conditions as the result of erosion are considered to be less than significant.

5.9.4 Mitigation Measures

All future development on the Ponto Beachfront Village site would be subject to the minimum design standards of the California Uniform Building Code, the City's Excavation and Grading Ordinance (Section 15.16, Carlsbad Municipal Code), City Standard Conditions of Approval, City of Carlsbad Landscape Manual, and recommendations given in the Geologic Hazards Evaluation; refer to Appendix H. Conformance with the above regulations and standards is mandatory, and, therefore, not considered as mitigation.

The development of individual properties within the Ponto area would require preparation of grading plans for submittal to the City for review to show compliance with grading standards and manufactured slope revegetation requirements. In addition, all applicable federal, state, and local permits pertaining to drainage shall be obtained, including but not limited to, the National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board. Compliance with these performance standards and incorporation of

site-specific geotechnical design measures into design and construction plans would reduce potential impacts related to geologic conditions to less than significant.

5.9.5 Impact After Mitigation

No significant impacts related to geologic hazards onsite have been identified. Therefore, mitigation measures are not proposed.

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**Figure 5.9-1
Regional Geology Map**

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Figure 5.9-2
Fault Map and Epicenters of Earthquakes

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5.10 HYDROLOGY AND WATER QUALITY

This section is based on the *Storm Water Mitigation Plan* and *Preliminary Hydrology Study* prepared by RBF Consulting (March 2007). These reports are included as Appendix I of this EIR. These analyses were prepared to identify the measures required for the implementation and maintenance of water quality and to identify and propose remedial action for storm water flows generated from the proposed development of the project site.

5.10.1 Existing Conditions

The project development area is located in the southwestern portion of the City of Carlsbad, within the San Diego Hydrologic Region (SDHR). Eleven smaller hydrologic units comprise the SDHR; the proposed Ponto Area is located within the Carlsbad Hydrologic Unit (CHU). Drainage patterns within the SDHR are generally to the west towards the Pacific Ocean.

The Carlsbad Hydrologic Unit covers approximately 210 square miles and includes portions of Oceanside, Vista, San Marcos, Escondido, Encinitas, Solana Beach, Carlsbad and portions of unincorporated San Diego County. The CHU contains four major coastal lagoons: Buena Vista, Agua Hedionda, Batiquitos and San Elijo, as well as the Loma Alta Slough. The CHU also includes three lakes, two storage reservoirs, urban and natural drainage, native habitats, open space, beaches, aqua farms, agricultural uses, and power and desalination plants.

San Marcos Hydrologic Area

The Carlsbad Hydrologic Unit is divided into six hydrologic areas. The project development area is located within the San Marcos hydrologic area. Receiving waters for the project site are the Batiquitos Lagoon and the Pacific Ocean. The San Marcos Creek watershed, which is dominated by San Marcos Creek, extends approximately 14.1 miles inland from the coast and is about 36,050 acres in area.

Surface Water

Lake San Marcos is the largest impoundment within the watershed. There are also a number of small farm ponds on various tributaries in the lower basin. San Marcos Creek originates in west-central San Diego County and discharges into the Pacific Ocean via Batiquitos Lagoon. Encinitas Creek originates in the hills southwest of Questhaven Road and parallels El Camino Real before it joins with San Marcos Creek at the southeastern corner of Batiquitos Lagoon. Receiving waters for the proposed Ponto Area are the Batiquitos Lagoon and the Pacific Ocean.

Flooding

The project does not propose any development within the 100-year floodplain. Development is also not proposed within a Special Flood Hazard Area (SFHA), as designated by FEMA.

5.10.1.1 Hydrology

Onsite topography is gently sloping, is approximately 30 to 70 feet amsl, and slopes to the west. Drainage of the subject site is accomplished by downward surface percolation and overland sheet flow, which is generally in a western direction across the subject site. The

onsite drainage is anticipated to be sheet flow that follows the general topography of the area in a western direction. The area considered for the hydrologic analysis totals approximately 39.8 acres.

5.10.1.2 Existing Water Quality

According to the California 2002 303(d) list published by the San Diego Regional Water Quality Control Board (RWQCB Region 9), the receiving waters (Pacific Ocean – San Marcos Hydrologic Area) for the project are impaired by one potential pollutant: bacteria. Bacterial indicators can adversely affect human health, through direct contact or ingestion or through harvesting of organisms for human consumption from waters that are polluted (i.e. shellfish). The Batiquitos Lagoon is not impaired by any 303(d) pollutants; refer to Table 5.10-3 for a summary of the receiving waters and their classification by the RWQCB Region 9.

There are approximately 10 acres within the Ponto Area that were not analyzed for the general magnitude of storage required for volume-based Best Management Practices (BMPs). This area includes the existing roads (approximately 6.0 acres) and a 4.1-acre linear park. The existing roads are assumed to drain in separate systems with no “co-mingling” of flows with that from the project. The linear park is assumed to incorporate some degree of parking, which will require treatment. However, without a site plan or allocation as to the amount of parking required, volume-based calculations to estimate storage needs are impossible. Selection of BMPs and the related supporting calculations for volume- or flow-based design measures would ultimately be the responsibility of the developer(s) at the time of future site design and development. Existing flows from the project site were calculated to be approximately 41.7 cubic feet per second (cfs); refer to Figure 5.10-1 and Tables 5.10-1 and 5.10-2.

Regulations/Legal Basis for Authority of Water Quality

The Environmental Protection Agency (EPA) is the primary federal agency responsible for management of water quality in the United States. In 1990, the EPA published final regulations mandating that discharges of stormwater to waters of the U.S. from construction projects without a National Pollutant Discharge Elimination System (NPDES) permit be prohibited. These regulations, known as the Phase II rule, describe six minimum control measures that most NPDES General Permittees are required to implement. These minimum control measures are typically implemented by applying BMPs that are appropriate to the project source, location, and climate. These six minimum control measures are:

- Public education and outreach on stormwater impacts;
- Public involvement and participation;
- Illicit discharge detection and elimination;
- Construction site stormwater runoff control;
- Post-construction stormwater management in new development and redevelopment; and,
- Pollution prevention and good housekeeping for municipal operations.

The principal federal and state laws pertaining to the regulation of water quality are known respectively as the 1972 Federal Water Pollution Control Act (also known as the Clean Water Act [CWA]) and Division 7 of the 1969 California Water Code (also known as the Porter-Cologne Water Quality Control Act). Section 303 of the CWA requires the adoption of water quality standards for all surface water in the United States.

Under Section 303(d), individual states are required to develop lists of water bodies that do not meet water quality objectives after required levels of treatment by point source dischargers. Total maximum daily loads (TMDLs) for all pollutants for which these water bodies are listed must be developed to bring them into compliance with water quality objectives.

The San Diego Regional Water Quality Control Board (RWQCB) has been granted the authority to implement and enforce these laws and regulations requiring the control of water quality. In California, the State Water Resources Control Board (SWRCB), through the nine Regional Boards, administers the NPDES storm water municipal permitting program. The RWQCB (San Diego Region) Order No. 2001-01 NPDES No. CAS0108758 (commonly known as the Municipal Permit) defines urban runoff as a waste, and requires that urban runoff be regulated by local municipalities.

The Municipal Permit requires that each municipality develop a program to minimize or eliminate the negative water quality effects of urban runoff. Under the NPDES permit, the City of Carlsbad requires development and significant redevelopment that falls under the category of “priority projects” to incorporate Best Management Practices (BMPs) to ensure that projects reduce potential urban runoff to the maximum extent practicable (MEP). The storm water pollution prevention requirements are site-specific and vary based on a project’s potential impact on receiving waters, as outlined in the City’s Standard Urban Stormwater Mitigation Plan (SUSMP).

General Permit

Under the state NPDES program, a General Permit would be required for all development within the Ponto Area where construction would disturb one or more acres. All resulting discharges would be required to conform to the following:

1. Implement a Storm Water Pollution Prevention Plan (SWPPP) that identifies BMPs to prevent all construction pollutants from contaminating storm water and with the intent of keeping all products of erosion from traveling offsite into receiving waters;
2. Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the U.S.; and,
3. Perform routine inspection of all BMPs.

Best Management Practices

BMPs were originally developed to protect water quality by controlling erosion and sedimentation at the source. They have since been expanded to include controlling the volume and concentration of chemical pollutants entering waters of the United States. BMPs can include such standard practices as lengthening runoff detention periods, covering bare areas with mulches, constructing infiltration facilities, and providing public education as to

the consequences, both legal and environmental, of illicit discharges to storm drains. Specific BMPs that are needed are determined based on the nature of the project proposed.

BMPs are generally used at two stages of a development project: in the short-term during construction and in the long-term during operation of a particular facility. Quality control BMPs are subdivided into source control and treatment BMPs. Source control BMPs are designed to prevent pollution of storm water, while treatment BMPs are used to treat other types of storm water pollution. The most practical approach is to use source control BMPs as the primary system and treatment BMPs as the secondary system. Many source control BMPs can be incorporated into the project design. Treatment BMPs are more effective and efficient when used to handle pollutants that arise despite the implementation of source control BMPs.

To select, design, and implement the most effective BMPs, certain parameters must be established. The identification of target pollutants likely to be generated by a project, anticipated volumes and concentrations of pollutants, and storm water and any regulatory action levels should be considered in the selection process.

The City of Carlsbad has established a checklist to evaluate the need for BMPs to be integrated into a project design for the purpose of storm water treatment. ~~the need of BMPs for storm water treatment into the project design.~~ The checklist considers a combination of physical site characteristics and proposed development to determine permanent and construction storm water BMP requirements. The checklist, known as the Storm Water Applicability Checklist (included in Appendix A of Appendix I) establishes a priority (low, medium, or high) to determine if any BMP requirements different from the Standard Storm Water BMP Requirements are needed. Because the project site is 50 acres or greater, and because of its proximity to coastal waters, the project is considered to be a high priority project. Development onsite would be subject to and would incorporate the “Priority Project Permanent Storm Water Requirements” per the City’s SUSMP. These include the site design and source control BMPs, BMPs applicable to individual priority project categories, and treatment control BMP requirements.

Jurisdictional Wetlands

Army Corps of Engineers (ACOE) jurisdictional areas total approximately 6.0 acres within the Ponto Area. These areas consist of approximately 4.6 acres of wetlands and 1.4 acres of non-wetland Waters of the U.S. California Department of Fish and Game (CDFG) jurisdictional areas total approximately 6.1 acres within the study area, consisting of approximately 4.6 acres of wetlands and 1.5 acres of non-wetland Waters of the U.S. Alteration or filling of these wetlands with future development onsite would require a permit from the ACOE, pursuant with Section 404 of the Federal Clean Water Act.

5.10.2 Thresholds for Determining Significance

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines. For purposes of this EIR, a significant impact relating to hydrology and water quality would occur if the proposed project would:

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of or amount of surface runoff in a manner that would result in flooding on- or offsite;
- Create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
- Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses;
- Substantially impact aquatic, wetland or riparian habitat;
- Otherwise substantially degrade water quality; place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or,
- Place within a 100-year flood hazard area structures that would impede or redirect flood flows.

5.10.3 Environmental Impact

The Ponto Beachfront Village Vision Plan provides a guide for future development of the Ponto Area. Future development of onsite properties would require landowners to prepare a SWPPP to identify site-specific requirements for water quality controls, as well as a site-specific drainage analysis to minimize erosion and potential downstream impacts. Proposed development of the site would result in construction of impervious areas, potentially increasing existing runoff volumes or velocities. As such, future site-specific plans would be required to integrate a system of retention/detention facilities and drainage basins or other means to reduce any potential increase over existing onsite drainage conditions. Future site design for individual projects within the Ponto Area would also be required to address and minimize changes to existing onsite drainage patterns, erosion, siltation, and flooding.

5.10.3.1 Hydrology

Areas 9 and 22 of the City of Carlsbad LFMP (Storm Drain Facilities Master Plan of Improvements) coincide with the Ponto Area. The LFMP for Zone 9 calls for the realignment of an existing 84" storm drain pipe within the proposed development area, in addition to construction of a temporary sedimentation basin near the southwestern portion at the top of the bluff above Batiquitos Lagoon. As determined in the hydrology analysis, drainage from the project development area would be directed via a new storm drainage system to the low spot along Carlsbad Boulevard, or towards Batiquitos Lagoon.

However, it is unclear as to whether or not these improvements are based on the anticipated needs generated by future development of the project area. It can be assumed that these improvements can and will be incorporated into forthcoming design efforts by the respective individual landowners as development occurs in the future on the project site. If future design efforts conclude that the need to construct these improvements is no longer applicable or that

improvements can be better accomplished by other means, a revision to the applicable LFMPs may be warranted, based on development within the project development area.

Runoff from the proposed development would increase as a result of impervious area. However, this increase could be reduced by expansion of filtration basins or other means used to treat water quality to the extent necessary to control the increase in 100-year flows. The 100-year volumes can be designed to accommodate infiltration of the entire post-development flow (effectively eliminating overland discharge) or reduce site discharge to pre-development levels; refer to Figure 5.10-2. This determination would be made during site design as a function of more detailed geotechnical recommendations and the availability of space within the site layout of individual projects proposed. As only preliminary site plans have been developed to date for several areas within the project development area, it is anticipated that additional hydrological analysis at a site-specific level would be required prior to the final design of individual projects.

Preliminary backup calculations to substantiate water quality and flood control basin sizing were completed for the Ponto Area; refer to Appendix B of Appendix I. The results are summarized in Table 5.10-2.

Post development flow would not exceed capacity of downstream storm drains, since the site is assumed to discharge to newly designed pipe and then directly to Batiquitos Lagoon and the existing pedestrian under-cross at the low point in Carlsbad Boulevard, or, if possible, utilize onsite infiltration (or other similar means) within the native soils; however, it shall be the responsibility of the developer to design a storm drain system for the project that does not create “erosional” issues or subject existing improvements to conditions beyond current hydraulic capacity.

The City of Carlsbad has eliminated former requirements to mitigate storm water increases associated with land development within the coastal zone, since there is no inherent benefit to detain storm water prior to direct discharge to the ocean. However, recent modifications to the County of San Diego Municipal Storm Sewer Discharge Permit require the City of Carlsbad to develop a hydromodification plan within the next 18 months. Future development within the Ponto Area would be subject to applicable requirements included in the forthcoming document. This may include, but not be limited to, design measures to control increases in peak discharge during lower event design storms and increases in discharge velocity and/or duration. Therefore, some means of detention would ultimately be required, if not from the standpoint of traditional flood control, then with regards to water quality. The stormwater detention volumes included in the hydrology analysis (Appendix I) are intended for the purpose of land planning; however, demonstration of consistency with flood control requirements would ultimately be the responsibility of the developers of individual properties within the Ponto Area.

The individual developer would be required to design site improvements to adhere to applicable detention requirements associated with hydromodification. This may involve provision for surface detention ponds, sub-surface storage pipe, or other similarly acceptable hydraulic equivalent. Preliminary calculations have been prepared to estimate a general order of magnitude to assist with further land planning. Ultimate responsibility for analysis and compliance with applicable hydromodification standards would be the responsibility of the developer.

5.10.3.2 *Flooding*

The project does not propose any development within the 100-year floodplain or Special Flood Hazard Area (SFHA) designated by FEMA. No significant impact would occur to 100-year flood levels, as defined by FEMA. Individual property owners would be required to integrate design measures to ensure that the 100-year developed flood condition would be equal or less than pre-development levels.

Development of the Ponto Area does not propose the construction of levees and/or dams, and is not located behind a levee or below a dam that would present a flood hazard upon its failure. Therefore, impacts relative to these conditions would be less than significant.

5.10.3.3 *Water Quality*

The proposed project is not expected to generate significant amounts of pollutants, but many constituents are generally anticipated for projects in this category. The Storm Water Mitigation Plan for the project identified water quality conditions of concerns that may potentially arise with future development of the site. Anticipated and potential pollutants include the following; refer to Table 5.10-4:

- Sediments (since there will be landscaped areas on site);
- Nutrients (since there will be landscaped areas on site);
- Organic compounds;
- Metals (associated with vehicle parking);
- Litter and trash collecting in the drainage systems;
- Oxygen-demanding substances including biodegradable organic material and chemicals;
- Oils, grease, and other hydrocarbons emanating from paved areas on the site;
- Pesticides used to control nuisance growth; and,
- Bacteria and Viruses.

Development of the site would incorporate four major types of post-construction BMPs. These include (1) site design BMPs; (2) source control BMPs; (3) site design and source control BMPs for individual priority project categories; and (4) treatment control BMPs. In general, site design BMPs and source control BMPs reduce the amount of storm water and potential pollutants emanating from a site and focus on pollution prevention. Treatment-control BMPs target anticipated potential storm water pollutants. Future development of the project site would apply these BMPs to the maximum extent practicable.

Post-development flows would not contribute to a degradation of surface or groundwater quality, since onsite areas would utilize the necessary BMPs to treat any contaminants associated with development. Selection of specific BMPs and related engineering design shall be the responsibility of the developer; however, standards for sizing these facilities would be based upon that described in the California Storm Water Quality Association (CASQA) Manual for New Construction.

Construction BMPs

Additional BMPs to prevent, reduce, and/or treat storm water pollution would be implemented during the construction phase of individual projects within the Ponto Area. Sediment would be the most likely generated pollutant during the construction phase. A Storm Water Pollution Prevention Plan (SWPPP) would be required to be developed for individual projects under separate cover because this is considered a High Priority Construction Project by the City of Carlsbad and because any project where construction would disturb one or more acres is required to do so under the NPDES General Permit.

Post-Construction BMPs

Within the project development area, future development on individual ownerships would require compliance with applicable zoning and building codes and other regulations. Proposed maintenance and operation of structural BMPs would require review and approval by the City Engineer as part of the permitting process to ensure that they are adequate and maintained for the long-term. Maintenance would be the responsibility of the applicant or landowner through a contract with the City of Carlsbad to obligate the project proponent to maintain, repair and replace the storm water BMPs as necessary throughout the life of the project.

Site Design BMPs

Site design BMPs aim to conserve natural areas and minimize impervious cover, especially impervious areas ‘directly connected’ to receiving waters, in order to maintain or reduce increases in peak flow velocities from the project site. The U.S. EPA (2002) has listed several site design BMPs that can be implemented in development projects. Future projects on the project site would incorporate site design BMPs to the maximum extent practicable. Site-design BMP alternatives and the practices that would potentially be applied to developments on the Ponto Area are given in Table 5.10-5.

- Minimize Impervious Footprint and Directly Connected Impervious Areas;
- Landscape Design; and,
- Protect Slopes and Channels.

Source Control BMPs

Source control BMPs are activities, practices, and procedures (primarily non-structural) that are designed to prevent urban runoff pollution. These measures either reduce the amount of runoff from the site or prevent contact between potential pollutants and storm water. In addition, source control BMPs are often the best method to address non-storm (dry-weather) flows. Source control BMP alternatives and the practices that would potentially be applied at the project site are given in Table 5.10-6 and include the following:

- Storm drain stenciling and signage;
- Material and trash storage area design;
- Efficient irrigation systems;

- Low-irrigation; and,
- Outreach for commercial activities.

Treatment Control BMPs

Post-construction “treatment control” storm water management BMPs provide treatment for storm water emanating from the project site. Structural BMPs are an integral element of post-construction storm water management and may include storage, filtration, and infiltration practices. BMPs have varying degrees of effectiveness versus different pollutants of concern. Treatment control BMPs and removal effectiveness for certain constituents are given in Table 5.10-7.

Several of the treatment control options available for the project are not feasible based upon site conditions and constraints. Wet ponds and constructed wetlands rely on a perennial water source, which is generally difficult to sustain in the project’s arid environment. While filtration devices, such as sand filters and media filters, typically have medium to high removal efficiencies for the project’s pollutants of concern, they are aesthetically unsuitable for use in developments such as this project. An underground sand/media filter might improve aesthetics, but these are not recommended for drainage areas greater than two acres (2003 California New Development BMP Handbook, Fact Sheet TC-40), and the proposed project covers 50 acres. Since the proposed project site will presumably consist of generally flat graded pads, implementing several filters for smaller drainage areas is not feasible, due to the lack of required head needed to ensure that water passes through the filter.

The treatment controls are intended to be both effective at removing the project pollutants of concern and suitable for incorporation into the proposed project. The combination of these treatment controls in all onsite drainage areas would provide a multiple BMP approach to water quality treatment for runoff.

- Vegetated swales and/or strips;
- Catch basin/Inlet inserts; and/or,
- Infiltration basins.

In addition, the City of Carlsbad SUSMP lists ten individual project categories for which BMPs must be provided; refer to Table 5.10-8. Of these categories, the category “parking areas” would apply to development of the project site. Inlets equipped with filter inserts would be installed where applicable to treat runoff generated in combination with the treatment control BMPs addressed above. Most parking areas would discharge to depressed vegetated areas onsite, instead of directly into the storm drain collection system. Onsite slopes would also be required to be vegetated to provide permanent stabilization and to prevent erosion.

5.10.3.4 Long-Term Effects

According to the City of Carlsbad SUSMP, a change to a priority project site’s hydrologic regime would be considered a condition of concern if the change would impact downstream channels and habitat integrity. However, it is anticipated that site design for individual projects would include the necessary measures to effectively treat and detain/retain storm

water runoff to levels equal to or less than pre-development conditions. As a result, there would be no substantial long-term change to existing drainage areas or increased tendency for erosion, as design measures implemented would control outlet rates and, where applicable, include energy dissipation measures.

Post-development flows from the Ponto Area would not contribute to a degradation of surface or groundwater quality, as future onsite basins would utilize the necessary BMPs to treat any contaminants associated with development. As stated above, post-development flows would not contribute to a degradation of surface or groundwater quality, since onsite areas would utilize the necessary BMPs to treat contaminants associated with development. Selection of specific BMPs and related engineering design would be the responsibility of the developer. However, standards for sizing these facilities shall be based upon that described in the CASQA Manual for New Construction. Therefore, it is anticipated that development of the Ponto Area would not result in long-term significant adverse impacts to water quality on the receiving waters of the Batiquitos Lagoon or the Pacific Ocean.

5.10.3.5 *Flooding*

The project does not propose any development within the 100-year floodplain or Special Flood Hazard Area (SFHA) designated by FEMA. No significant impact would occur to 100-year flood levels, as defined by FEMA, as the site detention basins would be designed to control the 100-year developed flood condition to equal or less than pre-development levels.

The project does not propose the construction of levees and/or dams, and is not located behind a levee or below a dam that would present a flood hazard upon its failure. Therefore, impacts relative to these conditions would be less than significant.

5.10.4 Mitigation Measures

Individual development within the Ponto Area would require site-specific analysis to reduce potential impacts to hydrology and water quality. Under the state NPDES program, a General Permit would be required for all development within the Ponto Area where construction would disturb one or more acres. Each landowner or applicant would be required to prepare and submit a SWPPP to include BMPs in order to obtain the necessary storm water permit under the San Diego and California NPDES, prior to approval of a grading permit. The SWPPP would be prepared to include the applicable BMPs given in the Storm Water Mitigation Plan prepared for the Ponto Vision Plan and provide mitigation for potential construction and grading activities to reduce significant short-term impacts to water quality to less than significant. As preparation of the SWPPP is a requirement under the local and state NPDES, this action is not considered to be a mitigation measure.

5.10.4.1 *Hydrology*

No significant impacts to hydrology were identified.

5.10.4.2 *Water Quality*

No significant impacts to hydrology were identified.

5.10.5 Impact After Mitigation

No significant impacts to hydrology were identified. Therefore, no mitigation measures are required.

**Table 5.10-1
Drainage Areas**

Hotel Commercial	<i>7.0 Acres</i>
Hotel or Residential Apartments	<i>3.5 Acres</i>
Mixed Use Residential	<i>6.6 Acres</i>
Resort Hotel	<i>13.7 Acres</i>
Townhomes	<i>6.8 Acres</i>
Live/Work Mixed Use 1	<i>0.9 Acres</i>
Live/Work Mixed Use 2	<i>1.3 Acres</i>
Total	<i>39.8 Acres</i>

**Table 5.10-2
Summary of Site Flows**

Site	Area (acres)	Pre Development Q (cfs)	Post Development Q without Mitigation (cfs)	Post Development with Detention of 100 Year Q to Pre-Development (cfs)
Hotel Commercial	7.0	8.3	38.5	8.3
Hotel or Residential Apartments	3.5	4.4	18.9	4.4
Mixed Use Residential	6.6	6.0	34.4	6.0
Resort Hotel	13.7	14.0	74.0	14.0
Townhomes	6.8	6.1	34.5	6.1
Live/Work Mixed Use 1	0.9	1.2	4.9	1.2
Live/Work Mixed Use 2	1.3	1.7	7.0	1.7
Total	39.8			

Table 5.10-3
Summary of 303(d) Impairments of Downstream Water Bodies

Receiving Water	Hydrologic Unit Code	Approximate Distance From Site	303(d) Impairment(s)
Pacific Ocean Shoreline – San Marcos HA	904.50	0.1 mi	Bacteria Indicators

Table 5.10-4
Anticipated and Potential Pollutants by Project Type (San Diego County, 2002a)

<div>✓ Anticipated Pollutants</div> <div>P Potential Pollutants</div>	General Pollutant Categories								
Priority Project Categories	Sediments	Nutrients	Heavy Metals	Organic Substances	Trash and Debris	Oxygen-Demanding Substances	Oils and Grease	Bacteria and Viruses	Pesticides
Detached Residential	✓	✓			✓	✓	✓	✓	✓
Attached Residential	✓	✓			✓	P ⁽¹⁾	P ⁽²⁾	P	✓
Commercial (>100,000 sf)	P ⁽¹⁾	P ⁽¹⁾		P ⁽²⁾	✓	P ⁽⁵⁾	✓	P ⁽³⁾	P ⁽⁵⁾
Auto Repair Shops			✓	✓	✓		✓		
Restaurants					✓	✓	✓	✓	
Hillside Development (>5,000 sf)	✓	✓			✓	✓	✓		✓
Parking Lots	P ⁽¹⁾	P ⁽¹⁾	✓		✓	P ⁽¹⁾	✓		P ⁽¹⁾
Streets, Highways, and Freeways	✓	P ⁽¹⁾	✓	P ⁽⁴⁾	✓	P ⁽⁵⁾	✓		

(1) A potential pollutant if landscaping exists onsite;

(2) A potential pollutant if the project includes uncovered parking areas;

(3) A potential pollutant if land use involved food or animal waste products;

(4) Including petroleum hydrocarbons;

(5) Including solvents.




































































**Table 5.10-5
Site Design BMP Alternatives**

<input type="checkbox"/> Buffer Zones	<input type="checkbox"/> Open Space Design
<input type="checkbox"/> Narrower Residential Streets	<input type="checkbox"/> “Green” Parking
<input type="checkbox"/> Alternative Turnarounds	<input type="checkbox"/> Alternative Pavers
<input type="checkbox"/> Urban Forestry	<input type="checkbox"/> Conservation Easements
<input type="checkbox"/> Eliminating Curbs And Gutters	<input checked="" type="checkbox"/> Landscape Design
<input checked="" type="checkbox"/> Other (Explained Below)	<input checked="" type="checkbox"/> Minimize Impervious Footprint

**Table 5.10-6
Source Control BMP Alternatives**

<input checked="" type="checkbox"/> Storm Drain Stenciling and Signage	<input type="checkbox"/> Homeowner Outreach
<input checked="" type="checkbox"/> Material and Trash Storage Area Design	<input type="checkbox"/> Lawn and Gardening Practices
<input checked="" type="checkbox"/> Efficient Irrigation Systems	<input type="checkbox"/> Water Conservation
<input checked="" type="checkbox"/> Low-Irrigation Landscape Design	<input type="checkbox"/> Hazardous Waste Management
<input type="checkbox"/> On-Lot Treatment Measures	<input type="checkbox"/> Trash Management
<input type="checkbox"/> Riprap or Other Flow Energy Dissipation	<input checked="" type="checkbox"/> Outreach for Commercial Activities
<input type="checkbox"/> Other (Explained Below)	

Table 5.10-7
Treatment Control BMP Selection Matrix (San Diego County, 2002a)

 High Removal Efficiency  Medium Removal Efficiency  Low Removal Efficiency  Unknown Removal Efficiency	Treatment Control BMP Categories						
	Biofilters	Detention Basins	Infiltration Basins ⁽¹⁾	Wet Ponds or Wetlands	Drainage Inserts	Filtration	Hydrodynamic Separator Systems ⁽²⁾
Pollutant of Concern							
Sediment							
Nutrients							
Heavy Metals							
Organic Compounds							
Trash & Debris							
Oxygen Demanding Substances							
Bacteria							
Oils and Grease							
Pesticides							

(1) Including trenches and porous pavement.

(2) Such as CDS units.

Original Sources: Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (1993), National Stormwater Best Management Practices Database (2001), and Guide for BMP Selection in Urban Developed Areas (2001).

Table 5.10-8
Carlsbad SUSMP Individual Project Categories

- ☐ Private Roads
- ☐ Residential Driveways & Guest Parking
- ☐ Dock Areas
- ☐ Maintenance Bays
- ☐ Vehicle Wash Areas
- ☐ Outdoor Processing Areas
- ☐ Equipment Wash Areas
- ☒ Parking Areas
- ☐ Fueling Area
- ☐ Hillside Landscaping

**Figure 5.10-1
Pre-Construction Hydrology Map**

PLACEHOLDER

Figure 5.10-2
Post-Construction Hydrology Map

BLANK PAGE PLACEHOLDER

5.11 LAND USE AND PLANNING

5.11.1 Existing Conditions

5.11.1.1 Onsite Land Uses

The majority of the 50-acre Ponto Area proposed for development within the Ponto Beachfront Village Plan has been previously disturbed by former agricultural activities and various improvements and developments, including construction of the San Diego Northern Railroad, commercial structures, residential structures, drainage channels, and roadways. The majority of the development area currently stands largely undeveloped, with the exception of a number of single-family residences, some of which have onsite businesses, including a wood and sheet metal shop, an auto service/storage yard, wood chipping, a salvage yard, heating and air conditioning manufacturer, kennel, a storage facility, and an upholstery and antique store.

The project site is located on a generally westerly sloping series of well-defined coastal terraces above the Pacific Ocean. Topography within the Ponto Area is gently sloping, with elevations generally ranging from approximately 40 feet amsl in the southern portion of the property to approximately 70 feet amsl just north of Avenida Encinas.

Undeveloped areas of the project site generally support native and non-native grasses and disturbed areas. Developed areas of the site are typically landscaped with ornamental cover or plantings, with other areas of exposed dirt or gravel cover.

Onsite roadways include Avenida Encinas (improved), Ponto Road (improved), and an unnamed roadway (unimproved) which runs through the central portion of the existing onsite neighborhood; refer to Figure 3-4. Utilities (overhead power lines with transformers) are also within the boundaries of the subject site. An approximately 570-foot long drainage, averaging three feet wide, originates east of Carlsbad Boulevard at Ponto Drive. The drainage runs south through an empty lot to a concrete ditch, which connects to a drain that then connects to the Pacific Ocean.

5.11.1.2 Offsite Land Uses

Surrounding land uses are the Hanover Beach Colony residential neighborhood to the north; the SDNR tracks and right-of-way, the San Pacifico neighborhood to the east; and Batiquitos Lagoon to the south. Directly west of the site on the oceanfront bluffs adjacent to Carlsbad Boulevard are the campsites of California's South Carlsbad State Beach, with the beach and the Pacific Ocean below; refer to Figure 5.11-1.

5.11.1.3 Applicable Plans, Policies and Regulations

City of Carlsbad General Plan

Based on the current General Plan, the proposed project is divided into six groups of land uses:

- RMH (Residential Medium High – 8 to 15 dwelling units per acre);
- RMH/TR (Residential Medium High and/or Travel/Recreation Commercial);

- UA (Unplanned Area);
- OS (Open Space and Community Parks);
- TR/C (Travel/Recreation Commercial/Community Commercial); and,
- TR (Travel/Recreation Commercial).

The existing General Plan designations would allow for a mixture of residential, commercial and recreational uses on the project site; refer to Figure 5.11-2. As the project area is positioned adjacent to the State Beach, the property would lend itself to such uses that would provide for residential housing demand, while enhancing the potential recreational and tourism opportunities provided by the coastal location.

Implementation of the Vision Plan would change the underlying land use designations to a “Special Planning Considerations Area” to be developed under the guidance of the Ponto Beachfront Village Vision Plan. Future development proposals within the Ponto Area may be required to propose General Plan and Local Coastal Program land use reclassifications, as well as Local Coastal Program zone changes that would be evaluated as part of the discretionary approval process.

City of Carlsbad Zoning Ordinance

At present, there are three City zoning designations for the various parcels in the Ponto Area; refer to Figure 5.11-3. These designations include: PC – Planned Community; CT-Q – Commercial Tourist zone with a Qualified Development Overlay; and, RD-M-Q – Residential Density – Multiple zone with a Qualified Development Overlay. Several parcels have a dual designation, CT-Q/RD-M-Q, indicating that with further planning, one or both uses may be appropriate. No changes to the existing zoning are proposed with the Vision Plan. Individual ownerships within the 50-acre development area would be allowed to develop consistent with the underlying zoning or with approval of a rezone, without approval of the Ponto Vision Plan.

City of Carlsbad Growth Management Program – Zones 9 and 22 Local Facilities Management Plans (LFMP)

Concerns over rapid growth within the City in the mid-1980’s resulted in the application of several means to control future development through limitations on the number of building permits issued and the provision of future public facilities and services. The City adopted an ordinance (9808) on July 1, 1986, that created the framework for a Growth Management Plan (GMP) which included preparation of a Citywide facilities management plan, performance standards, and subarea plans.

A "Citywide Facilities and Improvement Plan" has been prepared to address capital improvement planning within Carlsbad. The Plan calls for the preparation of subarea facility plans and establishes principles for capital financing plans. All development proposed within the City is reviewed for compliance with the Citywide Plan and the appropriate Local Facilities Management Plan (LFMP).

As part of the City’s GMP, and consistent with Chapter 21.90 of the City Zoning Ordinance, the City is divided into 25 zones to guide the provision of public facilities and to ensure that services and facilities are adequately provided for existing and future development.

Preparation of a LFMP is required for each zone to implement the GMP by phasing development and the provision of public facilities, consistent with the GMP performance standards. The 50-acre Ponto Area is located within the LFMPs for Zones 9 and 22; refer to Figure 5.12-1. By establishing performance standards for public facilities and establishing limits on development, future demand for facilities and services can be estimated, and planning and construction of such facilities can be provided. A facility financing plan has also been prepared for each LFMP zone to identify funding sources for the facilities and services to be provided. As applicable, individual applicants are responsible for the payment of any fees for the provision of new facilities with project implementation.

City Council Policy 43

As part of the GMP, the City of Carlsbad has adopted City Council Policy 43 to guide the determination and allocation of Proposition E “Excess Dwelling Units.” This policy guides the “excess dwelling unit” program, identifying the number of dwelling units available for allocation within a LFMP zone, due to proposed residential development occurring at a lower density than that anticipated for or allowed by the density control points given in the GMP, approved in 1986 as Proposition E.

As allowed by Proposition E, “excess” residential dwelling units may be allocated to developments within each of the City quadrants provided they do not exceed the maximum number of dwelling units projected for the quadrant. One or more of the following criteria must be met for proposed development to be eligible for the allocation of “excess” dwelling units.

- The growth management control point (GMCP) density for the property results in a unit yield that includes a fractional amount of 0.5 or greater. A fraction of a unit may be granted to allow for the next whole unit provided that the maximum density of the General Plan land use designation is not exceeded;
- Housing units are being made affordable to lower- or moderate-income households;
- Housing is located within the Village Redevelopment Area or in the South Carlsbad Coastal Redevelopment Area;
- That the project is a transit-oriented “smart growth” development project where increased residential density is being placed in close proximity to major transit facilities, employment opportunities and commercial support services;
- Projects approved for a land use change from non-residential to residential use or projects containing a mixture of residential and non-residential uses; or,
- The property has a General Plan designation of Residential Low Density (RL) or Residential Lower-Medium Density (RLM) and the base zone of the property would permit a higher yield of units than would be allowed by the RL or RLM designations, provided that the proposed density does not exceed the maximum density of the RL or RLM density range by more than an additional 25 percent.

Scenic Corridor Guidelines

The Ponto Area is located along Carlsbad Boulevard, which is identified as a “Community Theme Corridor” within the General Plan Circulation Element. Portions of Carlsbad

Boulevard provide significant views of the Batiquitos Lagoon, the Pacific Ocean, and South Carlsbad State Beach along the length of the roadway. According to the General Plan Circulation Element, Community Theme Corridors are considered to “connect Carlsbad with adjacent communities and present the City of Carlsbad to persons entering and passing through the community.” The designation is intended to preserve and enhance the visual, environmental and historical characteristics of the City and the route through planning and design efforts. Other Community Theme Corridors include El Camino Real, Palomar Airport Road, La Costa Avenue and Melrose Drive.

As Carlsbad Boulevard passes northbound over the Batiquitos Lagoon from the City of Encinitas, it provides a visually significant entry point into the City of Carlsbad along the scenic corridor. The Scenic Corridor Guidelines propose Major Entry Monumentation for this location to “provide identity, a feeling of welcome, and sense of arrival to the City.” Major Entry Monumentation, combined with landscaping and/or signage, is suggested for the highly visible location; refer to Figure 5.7-1.

Specific goals aimed at addressing the visual quality of the Carlsbad Boulevard Corridor include the following:

- Enhance the unique character of the street by designating a “Central European or Spanish” theme for the downtown area and a natural beach-oriented theme for the remainder of the route;
- Enhance the visual quality of the street by encouraging appropriate theme-oriented landscaping and street furniture within the corridor;
- Provide landscaping material, theme trees and theme tree spacing along the corridor which are best suited to avoid blocking views from the roadway, particularly to the ocean;
- Preserve the natural quality of the lagoon areas by providing little, if any, additional landscaping in those areas of the corridor adjacent to a lagoon; and,
- Encourage special landscape setbacks to create an open feeling along the developed portions of Carlsbad Boulevard.

In addition, the SDNR, east of the Ponto Area, is identified as a scenic railroad corridor with the Scenic Corridor Guidelines. This railway is identified as a “special condition” corridor which provides views to rail passengers traveling through the City. The Guidelines suggest improvements along the railroad right-of-way to upgrade the image of Carlsbad and to inform passengers that they have arrived in the City.

City of Carlsbad Landscape Manual

The City’s Landscape Manual provides guidelines for landscaping, plantings, irrigation requirements, water conservation, streetscape, slope revegetation and erosion control, and wildfire protection, among other issues. In an effort to reduce water demands resulting from irrigation and to maintain the visual environment, all proposed projects within the City are subject to the requirements of the Landscape Manual.

Comprehensive Land Use Plan (CLUP) for McClellan-Palomar Airport

The McClellan-Palomar Airport Plan Comprehensive Land Use Plan (CLUP), prepared by the San Diego Association of Governments (SANDAG), represents a “long range master plan...that reflects the anticipated growth of the airport over the next 20 years” and provides for the safety and well-being of the general public. The Plan identifies several areas of constraint that affect potential development within the City. These include noise contours, a Flight Activity Zone, and compatibility with surrounding land uses.

The CLUP identifies “areas likely to be impacted by the noise and flight activity created by aircraft operations at the airport.” The project study area is not located within the Airport Influence Area (AIA), which would require development review by the Airport Land Use Commission (ALUC), although overflight does occur.

The proposed project area is located approximately 2.5 miles southwest of the McClellan-Palomar Airport. The northern portion of the project site lies within the Noise Impact Notification Area (NINA), which includes properties within a three-mile radius of the airport, where 90 percent of noise complaints regarding the airport are filed. Noise from the operation of the airport may represent a potential nuisance to residents within this radius. As a result, residential development proposed within the NINA is required to file a notice with the City indicating that the property is subject to noise from overflight, sight, and noise from operation of aircraft flying in and out of the airport.

Open Space Conservation and Resource Management Plan

The City adopted the Open Space and Conservation Resource Management Plan in 1992 to implement the requirements of the General Plan Open Space and Conservation Element. The Plan is intended to provide protection of open space resources and landscape character within the City, while addressing potential impacts of anticipated growth. The Plan identifies Conceptual Open Space along Carlsbad Boulevard and Constrained Open Space in the southern portion of the Ponto Area, in the vicinity of Batiquitos Lagoon.

The Resource Management Plan addresses the long-term management and identifies goals for enhancement of open space within each of the LFMP zones. The following goals of the Resource Management Plan apply to LFMP Zones 9 and 22:

Zone 9

- Achievement of a north-south open space greenway corridor and trail connection. A link may be provided along the proposed regional trail within the railroad right-of-way, or by locating the Carlsbad pedestrian trail and paired regional bicycle trail along the east side of Carlsbad Boulevard;
- Provision of buffers between development and the coast and Batiquitos Lagoon should be pursued; and,
- Enhance the entry gateway into the City from the south along Carlsbad Boulevard.

Zone 22

- Consider the potential for a north-south greenway between Ponto Drive and Carlsbad Boulevard, containing a trail connection along or parallel to the SDNR right-of-way,

ultimately providing a potential regional connection from Oceanside to San Diego; and,

- Consider a second greenway and trail linkage along Poinsettia Drive to allow for trail access from the beach and the greenway (discussed above) to the trail that would connect the Alta Mira Park site and Batiquitos Lagoon.

City of Carlsbad Habitat Management Plan (HMP)

The Ponto Area lies within the North County Multiple Habitat Conservation Program (MHCP) Subregional Plan area. The MHCP Subregional Plan was adopted and certified by the SANDAG Board of Directors on March 28, 2003. Each of the seven jurisdictions within the MHCP area (which includes the City of Carlsbad) is required to implement their respective portion of the MHCP via citywide subarea plans. On November 15, 2004, the City of Carlsbad's Habitat Management Plan (HMP) for Natural Communities in the City of Carlsbad (City HMP; 2004a) was approved, and state and federal permits were issued. The Ponto Area lies within the City's HMP.

A small portion of the Ponto Area is located within Focused Planning Area (FPA) Core 8, which includes Batiquitos Lagoon. According to the City's HMP, Batiquitos Lagoon supports sensitive plant and animal species and is a critical foraging area for American peregrine falcon and California brown pelican. FPA Core 8 provides linkage to other Core FPAs both within and outside the City. Batiquitos Lagoon is included in an existing Hardline Conservation Area.

The City's HMP includes unique conservation goals and standards that apply to specific properties within the City, known as Standards Areas. The goals and standards are arranged according to the LFMP zone in which they occur. No Standards Areas exist within the City HMP for LFMZ 9 or 22.

In addition, the City's HMP establishes zone-level recommendations for each of the LFMP zones. The zone-level recommendations for LFMZ 9 include: (1) monitor breeding populations of terns, plovers, and sparrows, and continue predator control where necessary; and (2) use fencing and signs, as necessary, to minimize human intrusion in or near nesting or roosting areas for HMP-covered species such as terns, pelicans, and rails. The zone-level recommendations for LFMZ 22 include: (1) manage vernal pool habitat to minimize adverse edge effects and maintain/enhance water quality of the pools; (2) stabilize sensitive species populations by removing impacts or potential impacts, including trampling, vehicular traffic, illegal dumping, collecting, and invasion of non-native plants; (3) use fencing and signs to restrict human intrusion and educate the public about vernal pool resources; (4) implement runoff or erosion control measures on adjacent properties, as necessary, to maintain appropriate amounts of water runoff into pool watersheds, while protecting water quality against potential pollutants; and, (5) monitor the status of preserved populations to ensure they remain viable. According to the City's HMP, projects that conserve at least 67 percent of habitat onsite are not subject to offsite mitigation.

According to Chapter 21.203.040(B)(3), Coastal Resources Protection Overlay Zone, of the Carlsbad Municipal Code, the following policy shall apply to (1) areas west of existing Paseo del Norte, (2) west of Interstate 5, and (3) along El Camino Real immediately upstream of the existing storm drains.

All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan, Jurisdictional Urban Runoff Management Plan master drainage plan and the San Diego County Hydrology Manual and any amendments to them. Such mitigation shall become an element of the project, and shall be installed prior to the initial plan and any amendments to them for the area between the project site and the lagoon (including the debris basin), as well as revegetation of graded areas immediately after grading; and a mechanism for permanent maintenance if the City declines to accept the responsibility. Construction of drainage improvements may be through formation of an assessment district, or through any similar arrangement that allocates costs among the various landowners in an equitable manner.

California Coastal Act (CCA)

The subject site is located within the coastal zone and therefore is subject to the goals and policies set forth by the California Coastal Act (CCA). The CCA (California Public Resources Code sections 30000 et seq) was adopted in 1976 to provide long-term protection of the California coastline. The CCA defines the "coastal zone" as the area that extends three miles seaward and generally about 1,000 yards inland.¹ To manage the conservation and development of coastal resources, the CCA is responsible for the following:

- Establish specific uses, including restoration, for which diking, filling, or dredging of wetlands may be permitted within the coastal zone;
- Provide additional review and approvals for proposed actions within designated sensitive coastal areas; and,
- Direct each city or county within a coastal zone to prepare a Local Coastal Program (LCP) for Coastal Commission certification.

Almost all proposed development within the coastal zone requires approval of a Coastal Development Permit from either the Coastal Commission or from the local jurisdiction through a local government's certified Local Coastal Program. The Act requires compliance with the Local Coastal Program, as described below.

Local Coastal Program (LCP)

The City of Carlsbad's LCP (1996) is comprised of six segments and provides policies and development guidelines for compliance with the California Coastal Act. The Ponto Area includes acreage located within the Mello II Segment Land Use Plan of the LCP. Local Coastal Program Segments are required to maintain consistency with the goals and policies of the Carlsbad General Plan. Individual landowners within the 50-acre Ponto Area would be required to obtain approval of a Coastal Development Permit, prior to future development.

San Diego Association of Governments (SANDAG) and Smart growth Communities

SANDAG implements the Regional Comprehensive Plan (RCP), which offers a long-term planning framework for the San Diego region. It provides guidance for local and regional

¹ California Wetlands Information System. http://ceres.ca.gov/wetlands/permitting/cca_summary.html

decisions regarding a sustainable approach to future development. The RCP gives an incentive-based approach to encourage growth in existing and future urban areas, as well as smart growth communities.

According to SANDAG, a smart growth community is envisioned as a compact, efficient, and environmentally sensitive pattern of development that provides people with additional transportation, housing, and employment choices by focusing future growth away from rural areas and closer to existing and planned job centers. Principles of smart growth include reducing sprawl, facilitating public transportation and pedestrian activities, and providing a balance between jobs and housing.

South Carlsbad Coastal Redevelopment Area (SCCRA)

A portion of the Ponto Area is located within the South Carlsbad Coastal Redevelopment Area (SCCRA); refer to Figure 3-3. The intent of the Redevelopment Plan for the area is to develop properties that are improperly utilized to eliminate blight, develop recreational opportunities, provide affordable housing, and enhance economic opportunities (February 2000). This portion of the site is therefore subject to the Redevelopment Permit process, which is administered by the City of Carlsbad's Housing and Redevelopment Department. Future development proposals would be required to demonstrate consistency with the plans established for the portion of the property within the redevelopment area.

Twelve goals are given within the South Carlsbad Coastal Redevelopment Plan; however, the overall intent of the Plan can be summarized as follows:

- Strengthen and stimulate the economic base;
- Enhance commercial and recreation functions;
- Increase amenities to benefit the public;
- Increase and improve the affordable housing supply; and,
- Assure quality design in the area's development.

San Diego Coastal State Park System General Plan – South Carlsbad State Beach

The San Diego Coastal State Park System General Plan (prepared July 1984) provides goals and policies for enhancement of the South Carlsbad State Beach as part of the State parks program. Potential improvements are considered within the Plan to increase access to Carlsbad State Beach and to provide other complementary land uses that enhance the scenic and recreational resources offered by the coastal location. The project development area represents an opportunity to establish such uses that would complement the existing campground to enhance recreational opportunities for visitors of the Park. The State Parks General Plan assumes that (1) the area around the South Carlsbad State Beach will become increasingly urban, and (2) Carlsbad Boulevard will act as a present and future buffer against urbanized land uses. The Plan states that, "The purpose of San Diego coast state beaches is to make available to the people, for their benefit and enjoyment forever, the scenic and recreational resources inherent to the coastal beaches and adjacent uplands of San Diego County."

Other Specific Plans / Master Plans**Poinsettia Properties Specific Plan (SP 210)**

The Poinsettia Properties Specific Plan directs development of a 92-acre transit-oriented residential community located primarily north of the Ponto Area; however, a 1.5-acre portion of the Ponto Area overlaps with the Specific Plan area, referred to as Planning Area 1 in the Specific Plan. It is located in the northwest corner of the Ponto Area, adjacent to Carlsbad Boulevard and Ponto Road. Per the Specific Plan, the land use for the 1.5-acre area is intended for commercial uses that serve the traveling public and beach visitors.

Poinsettia Shores Master Plan (MP 175(c))

The Poinsettia Shores Master Plan area (PSMP), amended May 12, 1994, includes approximately 162.8 acres, of which approximately 23.5 acres are located within the Ponto Area. The Poinsettia Shores Master Plan Area is broken down into 17 Planning Areas, three of which are located within the project area boundaries -- Areas F, G, and H. These areas feature travel service/commercial and open space uses, and a non-residential reserve. The Poinsettia Shores Master Plan establishes development limits and design criteria for these Planning Areas. The Master Plan implements the West Batiquitos/Sammis segment of the Carlsbad Local Coastal Program for this area.

5.11.2 Thresholds for Determining Significance

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines. For the purpose of this EIR, a significant land use impact would occur if the proposed project would:

- Create incompatibilities of land use onsite or with adjacent uses;
- Physically divide an established community;
- Conflict with any applicable land use plan, policy or regulation, including the General Plan, Zoning Ordinance, Zone 9 and Zone 22 Local Facilities Management Plans, Inclusionary Housing Ordinance, Growth Management Ordinance, Landscape Manual, Open Space Conservation and Resource Management Plan, and the Comprehensive Land Use Plan (CLUP) for McClellan Palomar Airport; or,
- Conflict with the City of Carlsbad's Habitat Management Plan.

5.11.3 Environmental Impact

The proposed amendments to the General Plan and Local Coastal Program would designate the project area as an area of "Special Planning Considerations" to be developed under the guidance of the Ponto Area. The Vision Plan proposes the development of local and tourist-serving commercial, mixed-use, residential and recreational uses that are compatible with existing surrounding development to the east, open space/habitat connections in the south, and the beach to the west. The Ponto Beachfront Village Vision Plan provides a guide for development of the area to ensure that future land uses are compatible and consistent with the intended vision for the site.

The Vision Plan identifies land uses to be permitted within each of the land use character areas to ensure that future uses proposed would be consistent with development envisioned

by the City. Future individual development projects would require the appropriate discretionary permits as applicable.

5.11.3.1 Compatibility with Onsite Land Uses

The Ponto Area is largely undeveloped, with the exception of the cluster of existing residential and commercial/light industrial uses in the northern portion of the site. Future development onsite would be compatible with onsite land uses in that the Vision Plan would allow for these existing uses to continue in the future. Future development of these properties would not be phased and would occur as landowners desired. Therefore, the proposed uses are considered to be compatible with existing onsite uses and would enhance, not degrade, existing development property.

5.11.3.2 Compatibility with Offsite Land Uses

In addition to the project's consistency with existing land use plans for the surrounding area, the project does not create an incompatibility with the existing land uses offsite. While representing a change from the exiting land uses onsite, implementation of the Ponto Vision Plan would not have a harmful effect on offsite land uses.

The Ponto Area is surrounded by a mix of higher density residential uses (approximately 7.0 to 7.5 dwelling units per acre) and recreational activities associated with the state beach and campground. Carlsbad Boulevard carries between approximately 18,850 to 24,000 ADT. Traffic noise from Carlsbad Boulevard ranges from approximately 56 to 60 dBA onsite with out any noise attenuation. Additionally, the project is bordered by the San Diego Northern Railroad in which approximately 20 trains pass by the site each day. As such, the Ponto Area is surrounded by typical urban uses in an urban setting.

~~The A portion of the 50-acre development area is within the South Carlsbad Coastal Redevelopment Area and is intended for the uses proposed development. In addition, the uses proposed under the Vision Plan would be allowed under the existing zoning, and therefore, do not represent a conflict with the type of development anticipated for the area.~~ The uses proposed by the Vision Plan would generally be compatible with existing uses surrounding the project site. Single-family residential neighborhoods are located to the north and east of the project area. Development consistent with the Vision Plan would provide a mix of land uses that would provide a transition from the existing single-family development to multi-family mixed-use, commercial, and recreational uses.

The Vision Plan includes design guidelines to ensure that development of the site would not conflict with surrounding land uses. Most of the existing nearby uses are physically separated from the proposed project by the existing railroad tracks and easement on the east or by Carlsbad Boulevard on the west. The Plan's proposed design features such as landscape buffering and screening, ~~underground parking,~~ and building orientation ~~to allow for continued views~~ would be incorporated into future development projects to maintain the character of the area and ~~protect the existing~~ reduce potential impacts on the visual environment; see also Section 5.7 of this EIR for additional information pertaining to visual resources. In addition, development on the site would be distanced from adjacent ~~properties residential uses to the north by Ponto Road to the north.~~ The roadway would include a ~~which would be landscaped median~~ (as discussed in the Ponto Vision Plan) to further reduce views

into the Ponto Area. Additionally, the SDNR also provides a buffer between the project site and the residential uses to the east and would remain after project implementation.

~~In addition, Future~~ uses on the project site would be subject to City policies and other regulations pertaining to noise, hours of operation, building height, setbacks and lighting, among other areas, that would further reduce potential conflicts between the proposed uses and surrounding neighborhoods. Therefore, through conformance with the measures given in the Vision Plan, and consistency with applicable policies, development of the project site would not result in a conflict with offsite land uses.

The offsite use with the most interface with the proposed project is the Hanover Beach Colony residential development because of its location just north of Ponto Drive in the northern end of the Ponto Area property. Ponto Drive would be used by residents of Hanover Beach Colony and visitors to the Ponto Area. The northern portion of the Ponto Area is zoned CT, and although a portion is within the same Specific Plan as the Hanover Beach Colony, this area is designed for commercial uses that serve the traveling public and beach visitors. The Garden Hotel development is proposed in this area. Consequently, in this location different land use types will be located across the street from one another.

The existing Hanover Beach Colony consists of 112 two-story residential condominium homes ranging from approximately 1,900 to 2,400 square feet in size. As stated in Section 3.4.1, the proposed 215-room Garden Hotel has been designed as a one-story building at the northern end of the building adjacent to the existing homes, and increases to three stories in a stepped fashion at the southern end of the building away from the existing homes. Therefore, the portion of the hotel building closest to the existing houses will be comparable to the existing two story houses in height.

The Garden Hotel development also includes a parking garage, which would be subject to height restrictions of the applicable zone designation and the Coastal Zone. The parking garage would be located south of the nearest Hanover Beach Colony home separated by the Hanover Beach Colony RV storage lot and across Ponto Drive from the proposed hotel. The proposed parking garage would be located in an area that is approximately 10 feet lower in elevation than the proposed hotel and Hanover Beach Colony homes. As a result, the parking garage structure will not extend significantly higher than the rooflines of the existing homes, which range from approximately 23 to 26 feet in height.

As a result of the design measures incorporated into the site design for the proposed Garden Hotel, potential incompatibilities as a result of different building sizes is considered to be less than significant.

Potential land use incompatibilities could occur as a result of different land uses generating noise that is inconsistent with adjacent land uses. To ensure that potential incompatibilities as a result of unwanted noise from the proposed Garden Hotel and adjacent houses are minimized, the Vision Plan requires design elements that reduce potential noise impacts to less than significant. Mitigation measures to reduce noise impacts on the Hanover Beach Colony homes from the proposed Garden Hotel include a requirement to restrict the hotel entrance and service entrance points to locations where such access points are not directly across from existing residential uses (Mitigation Measure N-3b).

Furthermore, Mitigation Measure N-4b was amended to require a bermed/landscaped buffer adjacent to the property boundary between residential uses and commercial uses within areas zoned as Commercial-Tourist (CT) to distance future commercial land uses from existing and future adjacent residential uses. Consistent with the City's *Standard Conditions of Approval*, the applicant shall submit, to the satisfaction of the City Planning Director, a Landscape Plan illustrating the buffer and the landscaping proposed. The Landscape Plan shall also be consistent with the City's Landscape Design Manual.

As a result of these design measures, potential noise impacts resulting from operation of the proposed Garden Hotel would be reduced. Potential land use incompatibilities as a result of operational noise are considered to be less than significant.

5.11.3.3 Existing Land Use Plans, Policies and Regulations

City of Carlsbad General Plan

As previously described, the following General Plan land use designations currently apply to the Ponto Area: UA – Unplanned Area; TR/C – Travel/Recreation Commercial; RMH – Residential Medium High (8–15 dwelling units/acre); RMH/TR – a dual designation indicating that with further planning, one or both uses may be appropriate; and, OS – Open Space and Community Parks; refer to Figure 5.11-2.

The project would require a General Plan Amendment to designate the Vision Plan ~~area~~Area as an area of “Special Planning Consideration” that will require that proposed development within the project area ~~to be developed under the guidance of the Ponto Beachfront Village Vision Plan; refer to Table 3-1. Submittal of a Site Plan would be required for future development, which~~Applications for future development of individual ownerships within the Ponto Area would ~~include be reviewed by the City~~ for conformance with the intent of the Ponto Beachfront Village Vision Plan. Future development proposals within the Ponto Area may be required to propose General Plan and Local Coastal Program land use reclassifications, and city-wide and Local Coastal Program zone changes that will be evaluated as part of the discretionary approval process. The Ponto Beachfront Village Vision Plan provides a guide for development of the area to ensure that future land uses are compatible and consistent with the intended vision for the site. As the proposed General Plan amendment would not result in a conflict with the existing General Plan land uses intended for the area, no significant land use impact would occur.

City of Carlsbad Zoning Ordinance

At present, there are three City zoning designations for the various parcels in the Ponto Area; refer to Figure 5.11-3. These designations include: PC – Planned Community; CT-Q – Commercial Tourist zone with Qualified Development Overlay; and, RD-M-Q – Residential Density – Multiple zone with Qualified Development Overlay. Several parcels have a dual designation, CT-Q/RD-M-Q, indicating that with further planning, one or both uses may be appropriate.

~~No changes to the existing zoning are proposed with the project.~~ Commercial, recreational, and residential uses are currently permitted by the existing zoning for the site and private ownerships can be developed with or without the adoption of the Vision Plan. The uses proposed with the project would be consistent with the applicable zoning for each area.

Therefore, the project would not conflict with the City Zoning Ordinance and impacts would be less than significant.

City of Carlsbad Growth Management Program / Zones 9 and 22 Local Facilities Management Plan (LFMP)

The Growth Management Program (GMP) and adopted performance standards allow the City to control future development, to estimate future demand for public facilities and services, and to plan and construct such facilities as needed. City-provided facilities and services include the circulation system (roads), parks, City administrative facilities, fire protection services, sewer facilities, and libraries, while agency-provided facilities and services include schools, wastewater treatment, and water service.

The Ponto Area is located within Zones 9 and 22 of the City's Local Facilities Management Plans; refer to Figure 5.12-1. Future development proposals within the Ponto Area would be required to demonstrate consistency with the appropriate LFMP or propose amendments to the LFMP to ensure that facilities and services are adequately provided to serve the development.

The GMP provides a limit on the number of residential dwelling units that can be built within each of the City's four designated quadrants to control future growth and the provision of public services and facilities. The GMP limits the number of residential building permits that can be issued throughout the city to a maximum of approximately 54,600 dwelling units at buildout. The Vision Plan development area is within the Southwest Quadrant of the City, which allows for a total of 12,859 dwelling units at buildout. ~~As previously mentioned, implementation of the Vision Plan would result in a lower number of units than that anticipated for the area, thereby reducing projected growth and the overall demand for public facilities and services. Therefore, the~~ The number of units envisioned for the project with implementation of the Vision Plan would be consistent with the GMP. Potential impacts as a result of land use impacts are considered less than significant, as development as proposed would not conflict with any land use plan.

Continued monitoring activities by the City would also ensure the continued consistency with the GMP through subdivision review, monthly residential and non-residential development monitoring reports, traffic monitoring, annual reporting to the City Council, buildout capital improvements project coordination, and monitoring the excess dwelling unit bank. Monitoring activities would allow the City to ensure that as development occurs, performance standards are maintained and the number of residential building permits issued is consistent with the GMP.

City Council Policy 43

Under Council Policy Statement 43, future development on individual ownerships within the Ponto Area may be eligible for withdrawals from the "Excess Dwelling Unit Bank." Qualifying projects may withdraw from the bank under specific circumstances. However, even if there are units available in the bank, development may not exceed the unit limit assigned to the quadrant. Therefore, future development may not exceed the growth management control point allowed on a particular property, unless another site has underutilized development and "excess" units are available for transfer.

Scenic Corridor Guidelines

All future development along the Carlsbad Boulevard Community Theme Corridor would be required to demonstrate consistency with the design policies set forth in the Scenic Corridor Guidelines and the Ponto Beachfront Village Vision Plan, as appropriate. The Vision Plan envisions the realignment of Carlsbad Boulevard to the east, creating additional available land to create a linear park. Guidelines are contained within the Vision Plan to regulate development along the corridor and to ensure that future development of the site maintains the scenic value and visual importance of the roadway along the project frontage; refer also to Section 5.7, Aesthetics and Visual Resources. Therefore, the Vision Plan would be consistent with the Scenic Corridor Guidelines and impacts would be less than significant.

City of Carlsbad Landscape Manual

All proposed future development within the project development area requiring discretionary permits or preparation of a Landscape Plan for a development permit is subject to the policies, programs, and requirements of the City's Landscape Manual. Future development will be required to demonstrate consistency with the Manual with regards to landscaping, irrigation, streetscape, slope revegetation or stabilization, wildfire prevention, and water conservation. Development of the project site would therefore not conflict with the provisions of the Landscape Manual, and impacts would be less than significant.

Comprehensive Land Use Plan (CLUP) for McClellan-Palomar Airport

The project site is located approximately 2.5 miles southwest of the McClellan-Palomar Airport. The northern portion of the project development area lies within the Noise Impact Notification Area (NINA); however, noise within the NINA is not considered to create an adverse affect on human health or safety. All residential development proposed within the NINA would be required to file a notice with the City indicating that the property is subject to noise from overflight, sight, and noise from operation of aircraft operating from the airport. Therefore, the project would not conflict with the Airport Land Use Plan and impacts would be less than significant.

Open Space Conservation and Resource Management Plan

Development of the project site would be consistent with the goals of the Open Space Conservation and Resource Management Plan. The LFMPs for Zones 9 and 22 indicate that open space within the two Zones will continue to meet the performance standard through buildout.

Future development would be required to prepare development plans consistent with the Ponto Beachfront Village Vision Plan, which includes design elements that support the goals of the Open Space Conservation and Resource Management Plan for Zones 9 and 22. Such elements include a variety of trails and pathways, a Beachfront Resort multi-purpose trail, a wetland interpretive trail, pedestrian trails with connection to a regional trail system, and a connection to the Coastal Rail Trail which runs to the east of the project site.

Consistent with the goals of the Open Space Conservation and Resource Management Plan, the Vision Plan calls for the enhancement of the entry gateway into the City from the south along Carlsbad Boulevard. Design guidelines are given in the Vision Plan for signage, landscaping, and monument design to identify and improve the natural gateway. Therefore,

the project would be consistent with the Open Space Conservation Plan and impacts would be less than significant.

City of Carlsbad Habitat Management Plan (HMP)

Impacts to habitats of sensitive animal species with project implementation would be fully mitigated pursuant to the City's HMP. Mitigation for direct impacts to vegetation communities within the project site shall be implemented prior to or concurrent with impacts. Indirect impacts shall be avoided or mitigated through implementation prior to or immediately following the adverse effect. Mitigation ratios for impacts would be consistent with those given in the City's HMP.

Impacts to southern coastal bluff scrub shall be mitigated through offsite acquisition, as defined in the City's HMP, within the City's proposed preserve system. Consistent with the Addendum to the City's HMP, in-lieu mitigation fees would be required for onsite impacts to unoccupied Diegan coastal sage scrub, chaparral, grassland, eucalyptus woodland, and disturbed habitat. Individual landowners would be responsible for the payment of a per acre in lieu mitigation fee in an amount as determined by the City Council, prior to the issuance of a building permit. As such, the project would be consistent with the City's HMP requirements and impacts would be less than significant. Refer also to Section 5.2 of this EIR for additional discussion of how the Vision Plan is consistent with the City's HMP.

California Coastal Act

Implementation of the Vision Plan would be consistent with the requirements of the California Coastal Act, as implemented by the City of Carlsbad Local Coastal Program and discussed below. Therefore, no conflicts with the CCA would result, and impacts would be less than significant.

Local Coastal Program

The Ponto Area falls within the Coastal Zone. The Ponto Area includes acreage located within the Mello II Segment Land Use Plan and the area of the west Batiquitos Lagoon. Local Coastal Program Segments are required to maintain consistency with the City of Carlsbad's General Plan. Approval of a Coastal Development Permit would be required prior to development for all individual properties within the Ponto Area.

Implementation of the Ponto Beachfront Village Vision Plan would require approval of an amendment to the LCP by the California Coastal Commission to ensure that the LCP is consistent with the City's General Plan and the Coastal Act.

The following features of the Ponto Beachfront Village Vision Plan support the LCP approved for the area:

- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with the rights of private property owners.
- Visitor-serving uses (hotel/motel and restaurant) should be established.
- Mixed-use development (residential and recreational, commercial) shall be permitted by right on properties fronting on Carlsbad Blvd across from South Carlsbad State Beach.

- The existing access points of the day use portion of South Carlsbad State Beach shall be improved as part of a State Parks and Recreation Master Plan for Carlsbad State Beaches.
- In the “Unplanned Area” of Ponto, which roughly corresponds to the vacant land area north of Avenida Encinas, specific planning efforts are required. The intent is not to limit uses to entirely non-residential. Future uses could include commercial, residential, office and others. Consider the need for lower cost visitor or recreation facilities on the west side of the railroad tracks.
- In the area south of Avenida Encinas, hotel and timeshare units are allowed, with other uses primarily directed toward the tourists visiting the hotels, conference center and local scenic and recreation areas.
- On the southern bluff edge overlooking Batiquitos Lagoon, bluff top accessways or equivalent, overlook areas and a bike/pedestrian path should be provided. Land has been conveyed to the State Lands Commission as part of the Batiquitos Lagoon Enhancement Plan (BLEP), and any activities must be consistent with BLEP.

Therefore, the Vision Plan is considered to be consistent with the goals and policies of the LCP. Impacts would be less than significant.

San Diego Association of Governments (SANDAG) and Smart Growth Communities

As stated earlier, according to SANDAG, a smart growth community would represent a compact and environmentally sensitive pattern of development that provides people with additional travel, housing, and employment options by focusing future growth to existing and planned job centers. Smart growth areas include reducing sprawl, encouraging using public transportation and walking, and providing jobs/housing balance.

As stated earlier, as part of the RCP, SANDAG has prepared a Draft Smart Growth Concept Map, which contains almost 200 existing, planned, or potential smart growth locations. The Ponto Area has been included as part of SANDAG’s Smart Growth Concept Map. The Regional Comprehensive Plan prepared by SANDAG provides incentives to encourage focusing growth in existing and future urban areas and smart growth communities. Therefore, future development on the Ponto Area would reflect the basic concepts of the smart growth program and would be consistent with anticipated growth and design measures identified for smart growth areas within the San Diego region. Impacts would be less than significant.

South Carlsbad Coastal Redevelopment Area

A portion of the Ponto Area is located within the South Carlsbad Coastal Redevelopment Area (SCCRA). This portion of the site is therefore subject to the Redevelopment Permit process, which is administered by the City of Carlsbad’s Housing and Redevelopment Department; refer to Figure 3-3. Future development proposals on the Ponto Area would be required to demonstrate consistency with the redevelopment plans established for the portion of the property within the redevelopment area. Development of the project area would improve the City’s economic base, enhance commercial and recreational functions, increase public amenities, and ensure quality overall design of the site. Therefore, the project would be consistent with the Redevelopment Plan and impacts would be less than significant.

San Diego Coastal State Park System General Plan – South Carlsbad State Beach

The 1984 San Diego Coastal State Park System General Plan assumes that (1) the area around the South Carlsbad State Beach will become increasingly urban, and (2) Carlsbad Boulevard will act as a present and future buffer against urbanized land uses. The State Plan indicates that "The purpose of San Diego coast state beaches is to make available to the people, for their benefit and enjoyment forever, the scenic and recreational resources inherent to the coastal beaches and adjacent uplands of San Diego County." The goals of the Ponto Vision Plan would be consistent with the intent of the General Plan in the provision of recreational amenities and improvements to complement use of the State Beach.

The 1984 San Diego Coastal State Park System General Plan, which addresses the South Carlsbad State Beach, was reviewed to determine where the Vision Plan could support the State Park General Plan. The following points from the State Park General Plan are compatible with the goals and design components of the Ponto Vision Plan:

- “The purpose of San Diego coast state beaches is to make available to the people, for their benefit and enjoyment forever, the scenic and recreational resources inherent to the coastal beaches and adjacent uplands of San Diego County.”
- “Regarding allowable use intensity, the higher elevation Terrace lands, are capable of high-intensity public use and development with appropriate setbacks...Innovative approaches, such as portable buildings and controlled pedestrian accessways, will be used to provide recreation opportunities.”
- Accepted assumptions for working toward solutions of the Park’s identified problems include:
 1. Future extension of Poinsettia Lane to Carlsbad Boulevard (work has been completed.)
 2. Area around SCSB will become increasingly urban.
 3. Carlsbad Boulevard acts as a present and future buffer against urbanized land uses.

Proposed development of the Ponto Area would provide amenities such as additional parking for the State Beach and an underpass under Carlsbad Boulevard to improve access to the State Beach and enhance recreational uses. Therefore, the Vision Plan would not result in conflict with the State Beach General Plan and impacts would be less than significant.

Other Specific Plans / Master Plans***Poinsettia Properties Specific Plan (SP 210)***

The Poinsettia Properties Specific Plan directs development of a 92-acre transit-oriented residential community located primarily north of the Ponto Area; however, a 1.5-acre portion of the Ponto Area overlaps with the Specific Plan area, referred to as Planning Area 1 in the Specific Plan. It is located in the northwest corner of the Ponto Area, adjacent to Carlsbad Boulevard and Ponto Road. Per the Specific Plan, the land use for the 1.5-acre area is intended for commercial uses that serve the traveling public and beach visitors. No conflicts with the Specific Plan have been identified as a result of the proposed General Plan and Local Coastal Program amendments or with the goals of the Vision Plan. Future development

proposals would be required to demonstrate consistency with the Poinsettia Properties Specific Plan or amend the Specific Plan to remove the property. Therefore, as future development within the project development area would not conflict with this Specific Plan, impacts would be less than significant.

Poinsettia Shores Master Plan

A portion of the Vision Plan area is within the boundaries of the Poinsettia Shores Master Plan (MP 175(c)). This master plan governs a total of approximately 162.8 acres of which approximately 23.5 acres are located within the Vision Plan area. Of 17 planning areas included in the Master Plan, three are located within the Vision Plan boundaries: areas F, G, and H. These areas feature travel service/commercial use and a non-residential reserve. The Poinsettia Shores Master Plan establishes development limits and design criteria for these Planning Areas. No conflicts with the Master Plan have been identified as a result of the proposed General Plan and Local Coastal Program amendments or the goals of the Vision Plan. Future development proposals would be required to demonstrate consistency with the Poinsettia Shores Master Plan or amend the Master Plan to remove the properties. Therefore, as future development within the project development area would not conflict with this Specific Plan, impacts would be less than significant.

5.11.4 Mitigation Measures

No mitigation measures are required, as no significant land use impacts have been identified as a result of the proposed project.

5.11.5 Impact After Mitigation

No significant land use impacts would occur with the proposed project.

**Figure 5.11-1
Surrounding Land Uses**

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**Figure 5.11-2
Existing General Plan Land Use**

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**Figure 5.11-3
Existing City Zoning**

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5.12 PUBLIC UTILITIES AND SERVICE SYSTEMS

The Ponto Area is located within the Local Facilities Management Plan (LFMP) Zones 9 and 22 of the Carlsbad Growth Management Program; refer to Figure 5.12-1. The Zone 9 LFMP was prepared in April 1999 and amended in September 1993; the Zone 22 LFMP was prepared in October 1988 and amended in August 1997 to reflect land use changes resulting from adoption of the Poinsettia Properties Specific Plan (SP 210), as well as other policy and facility updates. This section of the EIR is intended to evaluate potential significant impacts on existing or future utility and service systems and recreational facilities that may result from project implementation.

Preparation of the LFMPs is required as part of the City's Growth Management Program, Title 21, Chapter 21.90 of the Carlsbad Municipal Code. The LFMP applies assumed generation rates for buildout projections for residential and non-residential uses within the zone. The LFMP identifies existing facilities and provides a phasing schedule to estimate timing for the provision of facilities in relationship to demand, and a financing plan to identify methods of funding for the construction or improvement of such facilities. The LFMP contains conditions of approval to ensure that public facilities will conform to adopted performance standards and require mandatory compliance to regulate future development within the zone.

~~As stated previously, implementation of the Ponto Beachfront Village Vision Plan would require a General Plan Amendment to change the underlying designation to Area of Special Consideration. The uses envisioned for the Ponto Area under the Vision Plan would result in a decrease in density as compared to that under the existing General Plan designation. As a result, future buildout of the Ponto Area would result in a decreased demand for public facilities and services than that allowed for under the current LFMPs for Zones 9 and 22, thereby decreasing the potential for significant impacts on such facilities to occur.~~

5.12.1 City Administrative Facilities

5.12.1.1 Existing Conditions

Administrative facilities leased or owned by the City currently include City Hall, the City of Carlsbad Water District, the Faraday Center, the City Redevelopment Department, and the City Public Safety Center, totaling approximately 170,650 square feet.¹ The City's current population is approximately 97,000 people.² The LFMP performance standard for provision of administrative facilities requires that 1,500 square feet per 1,000 population be scheduled for construction within a five-year period. Therefore, approximately 145,000 square feet of administrative facilities are required to meet this performance standard. As such, the performance standard is met with the administrative facilities that are currently owned or leased by the City.

¹ Robertson Ranch Master Plan Final EIR. April 2006.

² <http://www.carlsbadca.gov/hr/empdf/srcvl.pdf>

5.12.1.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the LFMP performance standard that 1,500 square feet per 1,000 population must be scheduled for construction within a five-year period.
- Result in substantial adverse impacts associated with the provision of new or physically altered administrative facilities, the construction of which could cause significant environmental impacts to maintain acceptable administrative services.

5.12.1.3 *Environmental Impact*

Community Facilities District (CFD) No.1 was formed in 1991 to generate funds for the financing of administrative facilities within the City. Such facilities included an addition to the public library, new City Hall complex, improvements to Veterans Memorial Park, and major street improvements to Cannon Road and Faraday Avenue.

Implementation of the Vision Plan would result in a mixture of residential, recreational, and commercial uses within the approximately 50-acre future development area, which would generate both permanent and transient populations. As such, the demand generated for administrative facilities would be varied. The LFMPs for Zone 9 and Zone 22 establish the performance standard of providing 1,500 square feet of administrative space per 1,000 population, the construction of which must be scheduled within a five-year period. As stated above, the demand for such facilities is currently being met.

To maintain conformance with this performance standard for Zones 9 and 22, all landowners within the Ponto Area would be required to pay fees for the financing of such facilities. The LFMPs state that existing City administration facilities are anticipated to be adequate for Zones 9 and 22 through 2006. Neither of the LFMPs requires project-specific special conditions to meet the performance standard in the future.

As the Ponto Beachfront Vision Plan envisions future land uses within the 50-acre Ponto Area, rather than specific numbers of dwelling units or square footage of commercial space, it is difficult to determine the future demand for administrative facilities that buildout of the Ponto Area would generate; however, all future development within the project area would be required to participate in the CFD No. 1 and to demonstrate consistency with the appropriate LFMP for provision of administrative facilities. It is therefore anticipated that with buildout of the Vision Plan, administrative facilities would remain adequate for Zones 9 and 22. Implementation of the Vision Plan would therefore not create the demand for provision of new or physically altered administrative facilities, the construction of which would cause significant environmental impacts to maintain acceptable administrative services. Impacts on administrative facilities would be less than significant.

5.12.1.4 *Mitigation Measures*

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.1.5 *Impact After Mitigation*

No significant impacts to city administrative facilities would occur with the proposed project.

5.12.2 Library Facilities

5.12.2.1 *Existing Conditions*

Library facilities currently owned or leased by the City total approximately 102,200 square feet.³ The LFMP performance standard for Zones 9 and 22 requires that for every 1,000 population, 800 square feet of library space be scheduled for construction within a five-year period. The City's current population is approximately 97,000, which generates a demand for an estimated 77,600 square feet of library space. Therefore, current library space provided exceeds that required to meet the performance standard.

5.12.2.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the LFMP performance standard that 800 square feet per 1,000 population must be scheduled for construction within a five-year period.
- Result in substantial adverse impacts associated with the provision of new or physically altered libraries, the construction of which could cause significant environmental impacts in order to maintain acceptable library services.

5.12.2.3 *Environmental Impact*

As stated above, as the Ponto Beachfront Village Vision Plan is intended to provide a guide for future development of the Ponto Area, rather than identify a strict formula for construction, specific numbers for future residential dwelling units are not proposed. However, all development within the Ponto Area would be required to conform to performance standards given in the LFMPs for Zones 9 and 22 to ensure that significant impacts related to the provision of library services do not occur as individual properties are developed over time within the site.

The LFMPs for Zones 9 and 22 indicate that library facilities are anticipated be in conformance with the adopted performance standard through buildout, assuming the construction of facilities scheduled in the City's Capital Improvement Program (CIP). Therefore, no additional facilities are required and no special conditions are required for either Zone.

All development within the Ponto Area would contribute to the funding of library facilities through participation in the Community Facilities District No. 1 and through the payment of Public Facilities Fees (PFF) at the time individual building permits are issued. Therefore, the

³ Robertson Ranch Master Plan Final EIR. April 2006.

proposed project would not result in adverse impacts associated with the provision of new or physically altered libraries. Impacts would be less than significant.

5.12.2.4 Mitigation Measures

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.2.5 Impact After Mitigation

No significant impacts to city library facilities would occur with the proposed project.

5.12.3 Wastewater Treatment Facilities

5.12.3.1 Existing Conditions

Wastewater treatment for LFMP Zones 9 and 22 would be provided by the Encina Wastewater Authority (EWA) Plant. The California Regional Water Quality Control Board (RWQCB), San Diego Region has authorized the Encina Wastewater Authority (EWA) to discharge a maximum of 38 million gallons per day (mgd) to the Pacific Ocean through the Encina Ocean Outfall (EOO). The effluent discharged is treated at the Encina Water Pollution Control Facility, the Shadowridge Water Reclamation Facility, and the Meadowlark Water Reclamation Facility.⁴ Current flows average 23 mgd. Secondary treated wastewater is discharged through an ocean outfall located approximately 7,000 ft offshore of the mouth of Canyon de las Encinas at a water depth of 135 ft.⁵

The EWA is capable of treating a maximum 36 mgd. As current demand on the facility is approximately 23 mgd, the plant is working at under capacity, thereby allowing for additional treatment potential in the future. Future expansion of the plant is planned in the *Encina WPCF's 2020 Facility Plan Update Report* (February 1993) to accommodate growth through the year 2020, when treatment demand may increase to an estimated 54 mgd.

5.12.3.2 Thresholds for Determining Significance

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the LFMP performance standard that sewer treatment plant capacity is adequate for at least a five-year period.

⁴ California Regional Water Quality Control Board San Diego Region Addendum No. 3 to Order No. 2000-036, NPDES No. CA0107395. http://www.swrcb.ca.gov/rwqcb9/orders/order_files/2000%20order%20files/2000-036_EncinaWPCP_NPDES%20update.pdf

⁵ California Coastal Water Quality Monitoring Inventory. http://www.sfei.org/camp/servlet/DisplayProgram?which=General&pid=SC_WTPENCINA

- Result in substantial adverse impacts associated with the provision of new or physically altered wastewater facilities, the construction of which could cause significant environmental impacts to maintain acceptable wastewater treatment services.

5.12.3.3 *Environmental Impact*

The Wastewater Treatment Capacity performance standard requires that treatment plant capacity is adequate for at least a five-year period. The Zones 9 and 22 LFMPs list special conditions that require the sewer district to monitor the Encina Treatment Plant flows on a monthly basis to determine actual flow rates and to identify an early warning of capacity problems. Payment of applicable sewer connection fees would be required by all landowners within the Ponto Area at the time when development is proposed, and prior to the issuance of a building permit. These measures would ensure that future development on the project site would meet the performance standard that capacity of the sewer treatment plant is adequate for at least a five-year period. For Zones 9 and 22, wastewater facilities are therefore anticipated to be adequate through buildout.

Although future development of the Ponto Area would increase the demand on existing wastewater treatment facilities, such development would not result in an overall increase in the City's growth projections. Therefore, the proposed project would not result in land uses that would cause an increase on wastewater facilities over that anticipated by the LFMPs for Zones 9 and 22. The proposed project would therefore not result in adverse impacts associated with the provision of new or physically altered wastewater facilities, the construction of which could cause significant environmental impacts to maintain acceptable wastewater treatment services. Impacts would be less than significant.

5.12.3.4 *Mitigation Measures*

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.3.5 *Impact After Mitigation*

No significant impacts to wastewater treatment facilities would occur with the proposed project.

5.12.4 Park Facilities

5.12.4.1 *Existing Conditions*

Park facilities within the City are provided for in a series of four quadrants, or districts. LFMP Zones 9 and 22 are located in the Southwest Quadrant – District 3; refer to Figure 5.12-2. The originally adopted LFMPs for Zones 9 and 22 (1989 and 1988 respectively) identified a shortfall in existing and future parks projected for Park District 3, thereby conflicting with the adopted performance standard. Consistent with the LFMP requirements, residential development was prohibited until the park shortage was rectified. However, an analysis was performed in 1987 for an amendment to the Zone 20 LFMP, which is also

within Park District 3. The analysis identified 57 acres of parkland in the southwest quadrant and showed sufficient existing and projected park land through buildout of the Southwest Quadrant. Additionally, implementation of mitigation measures within Zone 19 and the acquisition of Poinsettia Community Park further satisfied conformance with performance standards for parkland within the District.

5.12.4.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the LFMP performance standard that three acres of Community Park or Special Use Area per 1,000 population within a park district must be scheduled for construction within a five-year period.
- Result in substantial adverse impacts associated with the provision of new or physically altered parks, the construction of which could cause significant environmental impacts to maintain acceptable park services.

5.12.4.3 *Environmental Impact*

Implementation of the Vision Plan would result in creation of a linear park along the west side of (realigned) Carlsbad Boulevard. The public park would be approximately four acres in size and would offer a multi-use path, picnic tables, and benches, among other possible amenities. ~~with views to the ocean, among other amenities.~~ Construction is not anticipated to result in substantial adverse impacts associated with the provision of the park, which would cause significant environmental impacts to maintain acceptable park services.

Recreational facilities currently exist at the South Carlsbad State Beach Campgrounds for day users and overnight campers at the campground. The campground offers limited services to users such as campsites, restrooms, and showers. Residents and visitors from the proposed Vision Plan development are not expected to cause a substantial increase in demand for these campground services. Hotel guests, timeshare guests, or residents who choose to use the beach will have their own restroom and shower facilities located across Carlsbad Boulevard from the beach. As such, the proposed Vision Plan development will not add a substantial number of people to the campground area resulting in the overcrowding of existing facilities. Potential impacts are considered less than significant.

As stated above, with adoption of the amendment to the Zone 20 LFMP, sufficient existing and projected parkland was identified through buildout of the Southwest Quadrant. To ensure the continued provision of parkland within the District and conformance with performance standards, landowners within the quadrant are required to pay Park-in-Lieu fees and Public Facilities Fees for the financing of parks, as no additional dedication of parkland is required. The LFMPs for Zones 9 and 22 require this condition. As the provision of parkland within the District is adequate, implementation of the Vision Plan would meet the performance standards and impacts would be less than significant.

5.12.4.4 *Mitigation Measures*

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.4.5 *Impact After Mitigation*

No significant impacts to wastewater park facilities would occur with the proposed project.

5.12.5 Drainage Facilities

5.12.5.1 *Existing Conditions*

Zones 9 and 22 are located within the Batiquitos Lagoon watershed. Storm water from the site ultimately drains to the south to the adjacent Lagoon or west to the Pacific Ocean. A 78-inch storm drain runs parallel to the San Diego Northern Railroad within Zone 22, and connects to a 78-inch storm drain that runs along the southern boundary of the Zone. An existing 84-inch storm drain connects to this drain and traverses the Ponto Area generally from the northeast to the southwest, where it then runs parallel to the northbound lanes of Carlsbad Boulevard, and then reenters the site in the southwestern corner; refer to Figure 3-6. The 84-inch storm drain collects flows from residential areas to the north for conveyance to Batiquitos Lagoon.

5.12.5.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the LFMP performance standard that drainage facilities must be provided as required by the City concurrent with development.
- Result in substantial adverse impacts associated with the provision of new or physically altered drainage facilities, the construction of which could cause significant environmental impacts to maintain acceptable drainage services.

5.12.5.3 *Environmental Impact*

The *City of Carlsbad Drainage Facilities Master Plan* (1994) indicates improvements to address the long-term drainage improvements needed to support projected growth. The current Master Plan differs from the Master Plan under which the Zone 9 and Zone 22 LFMPs were originally prepared in that focus is placed on combined flood control and water quality enhancement, rather than solely flood control. The LFMP performance standard for Zones 9 and 22 requires that drainage facilities be provided concurrent with development to ensure adequate service.

Consistent with the requirements of the LFMP performance standard, drainage improvements are proposed with implementation of the Ponto Beachfront Village Vision Plan. The Vision Plan envisions the relocation of a portion of the existing 84-inch storm drain to the west

along internal streets and then parallel to the northbound lanes of Carlsbad Boulevard; refer to Figure 5.12-3. Drainage from the project site would be conveyed through a series of onsite retention/detention ponds or other means with implementation of the project; refer to Section 5.10 for additional discussion.

Special conditions for Zone 9 and Zone 22 will require the payment of drainage area fees as established in the current Master Drainage Plan, prior to the approval of a development permit. The LFMPs for Zones 9 and 22 indicate that the performance standard will be met and that facilities will be adequate to serve the Zones.

Drainage facilities have been planned and designed to accommodate the growth projections for the City at buildout. Provision of these drainage improvements would be required by the City, as needed and concurrent with development of the Ponto Area to demonstrate conformance with the LFMP performance standards. The proposed development of the project site is not anticipated to result in a significant impact as the result of expansion of new storm water drainage facilities. Therefore, impacts would be less than significant.

As drainage improvements on and off the project site may result in environmental impacts such as traffic, biological resources, hazardous materials, water quality, short-term air quality, or other such resources, mitigation measures given within this EIR would address such potential impacts and would reduce impacts to less than significant.

5.12.5.4 *Mitigation Measures*

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.5.5 *Impact After Mitigation*

No significant impacts to drainage facilities would occur with the proposed project.

5.12.6 Fire Service Protection Services

5.12.6.1 *Existing Conditions*

The City of Carlsbad Fire Department (CFD) would provide fire protection services to the Ponto Area from its Fire Station No. 4. This station is located approximately 1.0 mile to the northeast of the site, at 6885 Batiquitos Drive. In addition, the southern portion of Zone 9 is served by Fire Station No. 2, located at 1906 Arenal Road. The Carlsbad Fire Department has 78 personnel with 72 sworn professional firefighters and the remaining staff providing support for administrative and fire prevention activities.⁶ As stated below, the LFMP performance standard requires that no more than 1,500 dwelling units be outside of a five-minute response time, which begins when the fire truck leaves the station, assuming a 30-mile per hour rate of travel. Traveling at a speed of 30 miles per hour, an emergency vehicle could travel approximately 2.5 miles within five minutes. As the project site is approximately 1.0 miles from Fire Stations No. 4 and 2.5 miles from Station No. 2, emergency vehicles

⁶ City of Carlsbad. <http://www.carlsbadca.gov/fire/orgstr.html>

could reach all areas of the project site within the five-minute response time, consistent with the LFMP standards.

5.12.6.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the LFMP performance standard of no more than 1,500 dwelling units outside of a five-minute response time.
- Result in substantial adverse impacts associated with the provision of new or physically altered fire service facilities, the construction of which could cause significant environmental impacts to maintain acceptable fire protection services.

5.12.6.3 *Environmental Impact*

The project site would be serviced by the CFD, with all proposed dwelling units and other uses being constructed inside of the five-minute response time area. The LFMPs for Zones 9 and 22 anticipate the performance standard being met through buildout. Neither of the LFMPs requires project-specific special conditions to meet the performance standard. Although development of the project site would generate additional dwelling units and other land uses that would incrementally increase the demand for fire and emergency services provided by the CFD, the increase is not anticipated to create the need for new or altered fire protection services. Therefore, following implementation of the Vision Plan, the site would continue to meet the performance standard and the project would not result in a significant impact to fire service protection services or facilities.

5.12.6.4 *Mitigation Measures*

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.6.5 *Impact After Mitigation*

No significant impacts to fire protection services or facilities would occur with the proposed project.

5.12.7 Police Protection Services

5.12.7.1 *Existing Conditions*

The project site would receive police protection services from the City of Carlsbad Police Department (CPD), located at 2560 Orion Way. Although police services are not addressed within the LFMP, the CDP informally strives to maintain a six-minute response time to emergencies as a general guideline in providing police protection services. The patrol division provides the fundamental base for all law enforcement services. Over 60 uniformed

officers (101 sworn officers) and supervisors work around the clock, seven days a week. There are four watches during a 24-hour period to ensure that officers are present throughout the City at any given time.⁷

5.12.7.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact on police protection services would occur if the project would:

- Have an adverse effect on, or result in a need for new or altered, police protection facilities.

5.12.7.3 *Environmental Impact*

As with any new development, implementation of the Vision Plan would result in an incremental increase in the demand for police protection services within the City. However, this increase is not anticipated to have an adverse effect on existing police service facilities or create a need for new or altered facilities, and an increase in response times are not expected to be affected. Therefore, impacts would be less than significant.

5.12.7.4 *Mitigation Measures*

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.7.5 *Impact After Mitigation*

No significant impacts to police protection services or facilities would occur with the proposed project.

5.12.8 Open Space

5.12.8.1 *Existing Conditions*

The majority of the Ponto Area presently stands undeveloped, with the exception of the cluster of single-family residences mixed with light industrial and commercial uses in the northern portion of the site. The LFMP performance standard states that 15 percent of the total land area in the zone, exclusive of environmentally constrained non-developable land, must be set aside for permanent open space and must be available concurrent with development.

⁷ <http://www.carlsbadca.gov/police/strpat.html>

5.12.8.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the LFMP performance standard that 15 percent of the total land area in the zone, exclusive of environmentally constrained non-developable land, must be set aside for permanent open space and must be available concurrent with development.

5.12.8.3 *Environmental Impact*

The LFMP Open Space performance standard requires that 15 percent of the total land area in the zone, exclusive of environmentally constrained non-developable land, must be set aside for permanent open space and must be available concurrent with development. According to the Zone 9 LFMP, the Citywide Facilities and Improvements Plan identifies Zone 9 as being in compliance with the adopted performance standard. No special conditions for Zone 9 are required for conformance with the performance standard. Therefore, no further analysis pertaining to open space is provided. It is anticipated that open space will continue to meet the performance standard through buildout of Zone 9.

Similarly, existing open space meets the current demand according to the adopted LFMP for Zone 22. However, the Zone 22 Open Space Special Conditions require that as all development projects within the Zone are reviewed by the City, individuals must demonstrate how they are contributing to meeting the Zone 22 buildout open space demand. The buildout demand for open space was determined to be 28.14 acres. It is anticipated that open space will continue to meet the performance standard through buildout of Zone 22.

5.12.8.4 *Mitigation Measures*

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.8.5 *Impact After Mitigation*

No significant impacts to open space would occur with the proposed project.

5.12.9 School Facilities

5.12.9.1 *Existing Conditions*

The LFMP Zones 9 and 22 are located within the Carlsbad Unified School District (CUSD). Within the District, educational services are provided through one high school, two middle schools, eight elementary schools, and one continuing educational/alternative programs academy.⁸ School-aged students residing within the project development area would likely attend Jefferson Elementary School and Pine Elementary School, Valley Junior High, and

⁸ Carlsbad Unified School District. <http://www.carlsbadusd.k12.ca.us/our.htm>

Carlsbad High School. None of these schools are located within Zone 9 or Zone 22; refer to Figure 5.12-4. The LFMP for Zone 9 states that all of the District's facilities are approaching or currently operating at capacity.

The originally adopted LFMP for Zone 22 identified the need for a General Plan Elementary school site shown within Zone 22. Similarly, mitigation was included for Zone 9 in the adopted LFMP that required construction of an elementary school within the Zone if it was determined by the District that a school was warranted; however, a School Location Plan was recently adopted by the Carlsbad Unified School District updating the need for schools within the City. The Plan does not identify the future need for a school within Zones 9 or 22, and therefore, the requirement to provide for school facilities is limited to the payment of school fees.

5.12.9.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the performance standard that school capacity to meet the projected enrollment within the zone as determined by the appropriate school district must be provided prior to projected occupancy.
- Generate a greater number of students than the current Carlsbad Unified School District can accommodate, thereby necessitating the development of new school, the construction of which may cause significant environmental impacts.

5.12.9.3 *Environmental Impact*

As the Ponto Vision Beachfront Village Plan is intended to guide development within the Ponto Area, and not provide a specific plan for development, it is difficult to calculate the number of school-aged children that would ultimately be generated by future development of the site. However, the CUSD provides projection figures to estimate the number of school-aged children that are generated by residential development within the District. These rates are as follows:

School Level	Students per Single-Family Unit	Students per Multi-Family Unit
Elementary School	0.2339	0.0898
Middle School	0.1171	0.0397
High School	0.1442	0.0492

Source: Catarini/Holly Springs Environmental Impact Report, October 2004.

As the LFMPs assume that all CUSD schools are currently at or over capacity, the construction of new schools may be required in the future to provide adequate educational services to the school-aged population within the City. However, implementation of the Vision Plan is not anticipated to generate a greater number of students than the current Carlsbad Unified School District can accommodate. Under the Vision Plan, the project site

would be developed at a lower density than that allowed under the existing General Plan Land Use designations. Therefore, a fewer number of dwelling units would be constructed, thereby resulting in a decrease of the number of school-aged children at a density less than that assumed for growth projection purposes within the LFMPs. Future impacts on school facilities would therefore be less than that anticipated by the LFMPs for Zones 9 and 22.

Individual landowners within the development area would be required to pay school fees to offset the cost of providing school facilities and educational services. As the amended LFMPs for Zones 9 and 22 do not identify the need for a school within the respective Zones, school facilities requirements within the Zones are limited to the payment of school fees for the financing of continued service. No additional special conditions are currently required by the LFMP for either Zone 9 or Zone 22. As such, the performance standard for school facilities is anticipated to be met through buildout. No significant impacts on school facilities or services would occur as the result of implementation of the Vision Plan.

5.12.9.4 *Mitigation Measures*

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.9.5 *Impact After Mitigation*

No significant impacts to school facilities would occur with the proposed project.

5.12.10 Sewer Facilities

5.12.10.1 *Existing Conditions*

Three agencies currently provide sewer service for the City of Carlsbad: the City of Carlsbad Sewer Service District (CSSD), the Leucadia Wastewater District (LWD), and the Vallecitos Water District (VWD). Sewer service for the Ponto Area would be provided by the CSSD.

Three Leucadia Wastewater District sewer force mains currently run at an angle through the project site and along existing internal streets. With implementation of the Vision Plan, these lines are proposed for relocation to the western portion of the site to run parallel to the northbound lane of Carlsbad Boulevard. Relocation of these force mains would facilitate development of the proposed mixed-use center, the community art/nature center, and the pedestrian underpass to the west side of Carlsbad Boulevard.

5.12.10.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the performance standard that trunk line capacity to meet demand as determined by the appropriate sewer district must be provided concurrent with development.

- Require the construction of new sewer facilities, the construction of which may cause significant environmental impacts.

5.12.10.3 *Environmental Impact*

Sewer service to the Ponto Area would be provided through one of two alternatives; refer to Figures ~~5.1312-5-6 through and 5.1312-7~~. One alternative would direct the entire project sewage flow to the southeast corner of the Resort Hotel area and tie into an existing 10²-inch stub at the Knots Lane Lift Station (City of Carlsbad Drawing #357-5B). The second alternative would involve construction of a new lift station to service the area north of Avenida Encinas, with connection to an existing 15" gravity main draining northerly towards Poinsettia Avenue. The area south of Avenida Encinas (Resort Hotel) would drain towards the southeast corner of its site and connect to the Knots Lane Lift Station, similar to Alternative 1.

Onsite sewer improvements would occur concurrent with development to ensure that conformance with the LFMP performance standard is maintained over the buildout of the Ponto Area. Sewerage facilities are available to serve the site, with minor improvements required to facilitate service for future development. According to the Zone 9 LFMP, existing and proposed facilities meet the adopted performance standard to the buildout of the Zone. All future development within Zones 9 and 22 would be required to pay the appropriate connection fees for sewerage service.

All public facilities, including water distribution and wastewater treatment facilities have been planned and designed to accommodate the growth projections for Zones 9 and 22 at buildout. Although future development on the project site would increase the overall demand for sewerage services over existing conditions, such development would not result in an overall increase in the City's growth projections. As the density proposed by the Vision Plan is reduced as compared to the density anticipated by the LFMP buildout projections, capacity would be sufficient to serve the project site, and the new demand on the existing sewer facilities would not result in a significant impact due to the need to substantially expand or construct new sewerage facilities.

Construction of new sewerage facilities to serve the project site may result in significant impacts. Potential impacts may include impacts to traffic and circulation, air quality, noise, biological resources, cultural resources, geology and soils, hazardous materials, grading aesthetics, and water quality/hydrology. These resources have been evaluated in Chapter 5.0 of this EIR, and mitigation measures are proposed, as applicable, to reduce impacts to less than significant. These mitigation measures would apply to construction of the proposed sewerage facilities required for the project site and would mitigate potential impacts to a level that is less than significant.

5.12.10.4 *Mitigation Measures*

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.10.5 *Impact After Mitigation*

No significant impacts to sewerage facilities would occur with the proposed project.

5.12.11 Water Distribution Facilities

5.12.11.1 *Existing Conditions*

Three water districts currently serve development within the City of Carlsbad. Water service to Zones 9 and 22 is provided by the Carlsbad Municipal Water District (CMWD), which also provides service to the majority of the City. The Vallecitos Water District and the Olivenhain Municipal Water District also provide water service within portions of the City of Carlsbad. Currently, the CMWD relies exclusively on imported potable water for residential, commercial, and industrial uses.

The Zone 9 LFMP shows an existing 8" water line (to be abandoned) running from Carlsbad Boulevard across Ponto Drive and across the railroad tracks to Windrose Circle. The LFMP proposes three water lines to serve the Ponto Area: one 12" line running from Windrose Circle to Carlsbad Boulevard; one 12" line running along Carlsbad Boulevard from Avenida Batiquitos to La Costa Avenue (including P.R. Meter Station; and, one 12" line running along Ponto Drive from Avenida Batiquitos to the existing 8" water main. The Zone 22 LFMP indicates an existing 10" water line running parallel to Carlsbad Boulevard and east to Windward Circle. The Zone 22 LFMP shows a proposed 16" water line along Ponto Drive, and a 12" water line proposed just north of Ponto Drive in the southern portion of Zone 22.

The LFMP standards for Zones 9 and 22 require that line capacity to meet demand as determined by the appropriate water district must be provided concurrent with development. Additionally, prior to development, a minimum 10-day average storage capacity must be provided to the development site.

The City of Carlsbad Municipal Water District Water Master Plan Update (2003) evaluates water demand within the City and proposes improvements to accommodate future growth. The Master Plan evaluates water demand based upon the General Plan land uses proposed to determine the projected average volume of water demand. The CMWD applies unit demands for single- and multi-family land uses to the projected number of dwelling units, which account for both domestic and irrigation water use. The unit demand for non-residential land use is applied to the building area, and accounts for interior water use as well as onsite irrigation demands. The unit demand is based on an assumed mix of land use types and is appropriate for demand projections of the overall water distribution system.

The estimated water demand per unit for future growth is given in the following table:

Unit Demands for Ultimate Projections Growth

Land Use Type	Projected Water Use Factor	Development Unit
Single-Family Residential	550 gallons per day	Per dwelling unit
Multi-Family Residential	250 gallons per day	Per dwelling unit
Non-Residential	2,300 gallons per day	Per 10,000 sq. ft. of building area

Source: Carlsbad Municipal Water District Water Master Plan Update. March 2003.

In addition, the South Carlsbad State Beach is included in Zone 22. Average unit water demand for the facilities within the State Beach are given in the adopted LFMP for Zone 22 as follows:

Unit Demands for South Carlsbad State Beach Facilities

Land Use Type	Average Use Rate	Unit
Campsites (Four people/Campsite)	30 gallons per day	Per person
Day Use (Four people/Parking Space)	20 gallons per day	Per person

Source: City of Carlsbad Local Facilities Management Program Zone 22.

The CMWD Master Plan also provides requirements for water demands caused by fire emergency. Demand is estimated in gallons per minute and is based upon the recommendations of the City of Carlsbad Fire Department. Water demands for fire flow are given in the table below.

Fire Flow Requirements

Land Use	Fire Flow (in gallons per minute)
RM	2,500
RHM	3,000
C/O	3,000-4,000

Source: City of Carlsbad Local Facilities Management Program Zone 22.

5.12.11.2 *Thresholds for Determining Significance*

The significance thresholds used for this section are based on Appendix G of the CEQA Guidelines, as well as performance standards established in the LFMPs for Zones 9 and 22. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Not meet the performance standard that line capacity to meet demand as determined by the appropriate water district must be provided concurrent with development.
- Not provide minimum 10-day average storage capacity prior to any development.

5.12.11.3 *Environmental Impact*

Water distribution facilities have been planned and designed to accommodate the growth projections for Zones 9 and 22 at build-out. Although future development on the project site would increase the overall demand on the City's water supply over existing conditions, such development would not result in an overall increase in the City's growth projections over that anticipated, and therefore, future development of the Ponto Area would not exceed the water service demands planned for. The LFMP performance standard requires that all future development be required to install water distribution facilities to provide adequate water service as a condition of development, thereby ensuring that an adequate water supply is available to serve future uses.

According to the LFMPs for Zones 9 and 22, individual property owners would be required to pay water connection fees to contribute to the financing for construction of water distribution facilities that would serve the Ponto Area. As line capacity would be provided to meet project demand concurrent with the development proposed, development of the project site would not result in a significant impact to water distribution facilities. Implementation of the Vision Plan would be in conformance with the ultimate buildout of Zones 9 and 22 performance standards to the buildout of the zone. In addition, the adopted LFMPs for Zones 9 and 22 state that the 10-day storage capacity requirement can be met.

As the Ponto Vision Plan would result in lower density than initially anticipated by the City, water demand would be lower than the projected estimate for the site's total demand upon buildout of Zones 9 and 22. Therefore, it is anticipated that the performance standards would be met and that implementation of the Vision Plan would not result in a significant adverse impact to the City's water distribution system.

Construction of new water distribution facilities or improvements to existing systems to serve the project site may result in significant indirect environmental impacts. Potential impacts may include impacts to traffic and circulation, air quality, noise, biological resources, cultural resources, geology and soils, hazardous materials, grading aesthetics, and water quality/hydrology as grading and construction activities occur. Potential impacts to these resources have been evaluated in Chapter 5.0 of this EIR, and mitigation measures are proposed as applicable to reduce impacts to less than significant.

5.12.11.4 Mitigation Measures

No mitigation measures are required, as no significant impacts have been identified as a result of the proposed project.

5.12.11.5 Impact After Mitigation

No significant impacts to water distribution facilities would occur with the proposed project.

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**Figure 5.12-1
Local Facilities Management Zones 9 and 22**

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**Figure 5.12-2
Parks Districts - LFMP Zones 9 and 22 - Southwest Quadrant**

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**Figure 5.12-3
School Districts**

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**Figure 5.12-4
Storm Drain Realignment**

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**Figure 5.12-5
Fuel Line and Force Main Realignment**

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Figure 5.12-6
Backbone Sewer System - Alternative 1: Single-Gravity System

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Figure 5.12-7
Backbone Sewer System - Alternative 2: Two Independent Systems

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6.0 ALTERNATIVES TO THE PROPOSED PROJECT

6.1 Rationale for Alternative Selection

CEQA requires the consideration of alternative development scenarios and the analysis of impacts associated with the alternatives. Comparing these alternatives to the proposed project, the advantages of each alternative can be analyzed and evaluated. Section 15126.6 of the CEQA Guidelines requires that an EIR:

“describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

Additionally, CEQA Guidelines Section 15126.6 states in part:

An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are infeasible (15126.6(a)).

The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination.

Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts (15126.6(c)).

The specific alternative of “No Project” shall also be evaluated along with its impact (15126.6(e)(1)).

If the environmentally superior alternative is the “No Project” Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (15126.6(e)(2)). A comparison of the proposed alternatives is presented in Table 6-1.

6.1.1 Alternatives Considered but Rejected from Further Detailed Analysis

6.1.1.1 Open Space Alternative

The Open Space Alternative assumes that the project development area would remain in its current state with the existing residential, commercial, and light industrial uses, and undeveloped parcels. No development would be proposed on the remaining undeveloped parcels of the Ponto Area; however, the undeveloped areas of the site would be preserved as dedicated open space for habitat preservation and/or potential recreational use. The Ponto Area would be rezoned as Open Space and amendments to the General Plan and LCP would be required. An open space easement would be dedicated over the undeveloped areas to

ensure that this acreage remained in perpetuity as the intended use. Recreational uses may include interpretive hiking trails or bike paths that would provide a linkage to other trails in the area. Other passive activities such as picnicking may also be permitted.

This alternative would reduce impacts to traffic, air quality, and noise as compared to the proposed project, as no additional development on the site would occur, thereby reducing resultant vehicle trips and emissions as compared to the proposed project. In addition, biological impacts would also be reduced, as no sensitive species or habitat would be impacted by future development activities on the undeveloped parcels, since they would be preserved as open space for the long-term. Visual impacts, while not significant under the proposed project, would be reduced because there would be no new development.

Almost all of the property within the area affected by the Vision Plan is privately owned and currently zoned to allow for development. Under the existing zoning, none of the ownerships within the 50-acre Ponto Area are intended for open space, habitat preservation, or long-term biological management. Under this alternative, the existing development would remain, and individual landowners of the undeveloped parcels would not be allowed to propose development or improvements on their property as desired. The City would likely be required to enter an eminent domain process with the current landowners to acquire the open space.

Although this alternative would achieve the SCCRA Plan's goal of developing new beach and coastal recreational opportunities, the majority of the other goals established by the Plan would not be obtained. By preserving the undeveloped areas of the site as open space, the following goals would not be achieved: (1) assembling of land into parcels for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area; (2) rezoning, redesigning and developing properties which are stagnant or improperly utilized; (3) increase, improve and preserve the City's supply of housing affordable to very low, low and moderate income utilized; (4) eliminate blight and environmental efficiencies in the Project Area; and, (5) increase parking and open space amenities. In addition, this alternative would not meet the goals of the Vision Plan or the General Plan for development of this area.

In addition, the Open Space Alternative fails to achieve the majority of the objectives of the Vision Plan. This alternative would not meet the goals of establishing a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses, or accommodating a mix of local and tourist-serving commercial, medium- and high-density residential, mixed use, live/work, and open space land use opportunities that are economically viable and support the implementation of these goals. In addition, this alternative would not establish the Southern Coastal Gateway to the City, as no improvements would be made to signify such an entry point. As this alternative would not meet these and other objectives, this alternative is not considered a viable option and was rejected from further analysis.

6.1.1.2 *Alternate Location Alternative*

The Alternate Location Alternative assumes that the intent and guidelines given in the Vision Plan will be applied to an alternative location within the City of Carlsbad. Alternate locations considered included properties both within and outside of the SCCRA.

Although other land is available within the SCCRA, the Ponto Area represents an area with large, undeveloped acreage where the existing General Plan, zoning designations and Local Coastal Program would allow for the uses proposed in the Vision Plan. Under the existing zoning, a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational, and residential uses could be developed. In addition, the proposed site's proximity to the State Beach allows for the opportunity to supplement and enhance existing recreational and scenic resources within the City, consistent with the goals of the Vision Plan. The proposed project site also represents an opportunity to establish and enhance the entry corridor into southern Carlsbad, creating a Southern Coastal Gateway to the City, and thereby controlling potential visual impacts that may result if parcels within 50-acre area were developed individually without the design guidelines given in the Vision Plan.

By proposing development of the Vision Plan uses at an alternate location within the SCRRRA, it can be assumed that impacts to traffic, air, and noise would be similar to that of the proposed project, as similar uses would be proposed and thereby, a similar number of vehicle trips would be generated (although potentially at different locations and therefore, different traffic distribution patterns may result). Impacts to biological resources may be increased as compared to the proposed project depending on the alternative site selected, as a large portion of the Ponto project-site is currently either developed or disturbed, with limited sensitive biological resources.

Opportunities for an alternate site outside of the SCRRRA, within the City of Carlsbad, were also analyzed. However, due to the uses intended with the Vision Plan, an available site (or combination of parcels) of adequate size was not identified. In addition, this alternative would not achieve the objective of providing expanded beach access, as another site of adequate size to support the uses proposed while providing proximity to the beach was not identified within the City of Carlsbad. This alternative would also not establish the Southern Coastal Gateway to the City, as the Ponto Area includes the southernmost coastal property within the City of Carlsbad. Therefore, the opportunity to achieve the goal of enhancing the major entryway into the City at the southerly boundary would not be an option at an alternate location.

In addition, a site outside of the SCCRA would not achieve the SCCRA's Plan-goal to eliminate blight and environmental deficiencies in the Ponto Area, or to develop new beach and coastal recreational opportunities. In addition, the re-alignment of Carlsbad Boulevard ~~re-alignment~~ that would yield excess property to facilitate expansion of the Carlsbad State Beach campgrounds and/or provide for other recreational facilities would not occur if an alternate site were selected.

The Alternate Location Alternative would not achieve many of the objectives and goals of the Ponto Beachfront Village Vision Plan or the SCCRA Plan. Therefore, this alternative is rejected from further analysis.

6.2 Analysis of the No Development Alternative

6.2.1 No Development Alternative Description and Setting

The No Development Alternative assumes that the project site would not be developed with the proposed project. The project site would remain in its present condition and would continue to support the existing single-family residential and small-scale commercial and

light-industrial uses. No onsite or offsite roadway improvements, including Carlsbad Boulevard, would occur with this alternative. Although this alternative is similar to the Open Space Alternative, preservation of the undeveloped portions of the Ponto Area would not be guaranteed for the long-term through zoning or dedication of an open space easement.

6.2.2 Comparison of the Effects of the No Development Alternative to the Proposed Project

6.2.2.1 *Air Quality*

As the No Development Alternative would not result in development of the site, the uses proposed with the Vision Plan would not be developed, thereby reducing the number of vehicle trips generated by uses on the property. Therefore, the No Development Alternative would result in an incremental reduction in air quality impacts as compared to the proposed project. In addition, grading of the site would not be required, thereby incrementally reducing air quality impacts associated with operation of heavy construction equipment as compared to the proposed project. Therefore, impacts on air quality under the No Development Alternative would be reduced as compared to the project.

6.2.2.2 *Biological Resources*

As no additional development would occur with this alternative, disturbed areas on the site would remain in their present state as undeveloped land. This alternative would not propose to preserve onsite habitat through dedication of open space lots or within a dedicated easement; however, as no development would occur on the site, potential impacts to biological resources both on and off the site would not occur. Impacts to biological resources under the No Development Alternative would be avoided and therefore, reduced as compared to the proposed project.

6.2.2.3 *Cultural Resources*

As no development would take place on the site under this alternative, potential impacts caused by disturbance to undiscovered cultural resources during grading or construction activities would not occur. Mitigation in the form of monitoring during such activities would therefore not be required. Therefore, potential impacts to cultural resources would be reduced with the No Development Alternative as compared to the proposed project.

6.2.2.4 *Hazards and Hazardous Materials*

With this alternative, the site would remain in its present state, with the existing residential, commercial and light industrial uses remaining. This alternative would not result in additional housing or development on the site that could potentially expose persons to the risk of hazardous materials; however, existing conditions on the site would remain, wherein continued exposure of current residents to potentially hazardous materials identified during the Phase I ESA would continue. The potential for impacts resulting from hazards or hazardous materials under the No Development Alternative would be reduced as compared to the proposed project.

6.2.2.5 Noise

As no improvements would occur on the site under the No Development Alternative, noise generated by temporary construction or grading activities would not occur. In addition, as no residential or hotel units would be constructed, and noise potentially generated by the operation of commercial uses, such as vehicular activity or delivery truck activity, would not occur. Therefore, noise impacts under this alternative would be reduced as compared to the proposed project.

6.2.2.6 Traffic and Circulation

As compared to the proposed project, this alternative would not result in the construction of new residential units or commercial uses that would generate additional vehicular trips along area roadways. As stated above, no additional onsite or offsite roadway improvements would occur with this alternative. Therefore, impacts to traffic and circulation under the No Development Alternative would be reduced as compared to the proposed project.

6.2.2.7 Visual Aesthetics and Grading

As compared to the proposed project, impacts to visual resources would be less than significant. No improvements would be made to enhance the scenic corridor, and as no development would occur and current uses on the site would remain, there would be no changes to the existing conditions onsite. Therefore, visual impacts would be reduced as compared to the proposed project.

6.2.2.8 Agricultural Resources

As compared to the proposed project, impacts to agricultural resources would be less than significant. However, no conversion of former agricultural lands would occur. Therefore, impacts to agricultural resources would be reduced as compared to the proposed project.

6.2.2.9 Geology and Soils

As compared to the proposed project, impacts to geology and soils resources would be less than significant. Therefore, impacts to geology and soils would be the same as compared to the proposed project.

6.2.2.10 Hydrology and Water Quality

As with the proposed project, this alternative would not result in a significant impact on existing hydrology and water quality. The site would remain in its present state and no alteration of the site or other surface features would occur. However, no Best Management Practices (BMPs) would be implemented and no drainage improvements would occur. Surface water runoff would continue to leave the site untreated as it presently does, potentially resulting in impacts on hydrology and water quality. As a result, potential impacts on hydrology and water quality are considered to be greater under this alternative as compared to the proposed project.

6.2.2.11 Land Use

As with the proposed project, land use impacts would be less than significant under this alternative. As no development would occur, and current uses on the site would remain, no revisions to the existing land use or zoning designations would be required. Therefore, land use and planning impacts would be reduced as compared to the proposed project.

6.2.2.12 Public Utilities and Service Systems

As with the proposed project, this alternative would not result in significant impacts on utilities or public services. However, under the No Development Alternative, a lesser demand would be placed on existing or future utility systems and public services, as no development would occur on the site, and new residents and recreational commercial uses would not require public water or sewer or other services, such as law enforcement or fire service protection. Therefore, this alternative is considered to reduce impacts on utilities and service systems as compared to the proposed project.

6.2.3 Rationale for Preference of Proposed Project over the No Development Alternative

The No Development Alternative would reduce or avoid all of the impacts associated with the proposed project, with the exception of hydrology and water quality, as BMPs to control drainage from the site would not be implemented. Therefore, the No Development Alternative is considered to be the Environmentally Superior Alternative. However, this alternative does not meet any of the project objectives, such as establishing the Southern Coastal Gateway to the City or providing a balanced and cohesive mix of local and tourist-serving commercial, medium- and high-density residential, mixed use, live/work, and open space land use opportunities that would be economically viable. In addition, this alternative would not establish a pattern of pedestrian and bicycle accessibility that would link with adjacent existing and planned pedestrian and bicycle facilities, or establish a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses. For these reasons, this alternative was rejected from further consideration.

6.3 Analysis of the No Project Alternative

The analysis of the No Project Alternative is required under CEQA Guidelines. As set forth in CEQA Guidelines Section 15126.6(e)(2), the No Project analysis shall discuss the existing conditions at the time the Notice of Preparation is published and “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” Section 15126.6(e)((3)(B) adds that, for a development project on identifiable property, the No Project ~~alternative~~ Alternative is the circumstance under which the project does not proceed, and “the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects that would occur if the project is approved.”

6.3.1 No Project Alternative Description and Setting

Under the No Project Alternative, the Vision Plan development area would be developed as allowed under the current General Plan land use and zoning designations without special permitting. ~~As the proposed project does not propose a change to the underlying General~~

~~Plan or zoning, and~~ The proposed project would allow the same uses as those allowed under the existing General Plan designations ~~and zoning~~, as well as the underlying Specific Plans (Poinsettia Properties Specific Plan and the Poinsettia Shores Master Plan), uses developed under the No Project Alternative would be similar to that proposed with the Vision Plan; however, the Vision Plan envisions uses that would ~~actually~~ result in a decreased intensity than ~~what would that~~ ultimately be allowed under the existing land use designations. The No Project Alternative would allow the property to be developed with travel/recreational commercial, medium-high residential uses, or as open space or parks.

In the southern portion of the site, the existing General Plan designation would allow for travel and recreational commercial uses, such as hotels, restaurants, and commercial retail, to enhance the tourism and recreational opportunities in the City. In the northern portion of the site, residential housing could be provided at a density of 8-15 dwelling units per acre, or in combination with travel and recreational commercial uses. Areas that are currently designated as ~~unplanned~~ “Unplanned” may require further planning to determine appropriate uses.

Similar to the proposed project, this alternative would ultimately contribute to offsite road improvements, as applicable, to mitigate for ~~future~~ potential traffic impacts caused by vehicular trips generated by onsite uses. This alternative ~~could~~ would also propose onsite trails and linkage to the regional trail system for recreational use. In addition, improvements would be made, consistent with the Zone 9 and 22 LFMPs, to provide public water and sewer service to the site. Development onsite would be consistent with the Scenic Corridor Guidelines and would contribute to improvements along Carlsbad Boulevard, but would not result in an overall themed design approach that would establish and enhance a major entryway into the City of Carlsbad.

6.3.2 Comparison of the Effects of the No Project Alternative to the Proposed Project

6.3.2.1 Air Quality

The No Project Alternative could generate a greater number of vehicle trips as developed to its full potential under the existing land use and zoning designations, thereby incrementally increasing air quality impacts as compared to the proposed project. ~~Although a greater intensity of uses is assumed under this alternative,~~ Grading requirements for building pads, as well as the time period heavy equipment would be in operation, would likely be similar to that of the proposed project. Therefore, due to additional traffic generation, impacts on air quality under the No Project Alternative would be increased as compared to the proposed project.

6.3.2.2 Biological Resources

With the No Project Alternative, impacts on biological resources would be similar as compared to the proposed project. ~~Although the use of the site is assumed to be more intense under the~~ Under the No Project Alternative, the development footprint would remain largely the same as compared to the proposed project. In addition, grading required for the development of the 50-acre site development area would be roughly the same; therefore, potential biological impacts ~~to on~~ sensitive resources resulting from noise generated by heavy equipment would be similar with this alternative. Other potential impacts, such as night

lighting and threats from domesticated pets, would also be similar. Therefore, with the No Project Alternative, impacts on biological resources would be similar as compared to the proposed project.

6.3.2.3 Cultural Resources

As similar development would take place on the site under this alternative, potential impacts caused by disturbance to undiscovered cultural resources during grading or construction activities would be similar to that of the proposed project. Mitigation in the form of monitoring during such activities would be required. Therefore, potential impacts to cultural resources would be similar with the No Project Alternative as compared to the proposed project.

6.3.2.4 Hazards and Hazardous Materials

With this alternative, the site would be developed with uses allowed under the existing zoning and General Plan land use designations, which would include residential, commercial and tourism-oriented uses. The existing residential, commercial and light industrial uses would be allowed to remain. This alternative would result in additional housing or development on the site that could potentially expose persons to the risk of hazardous materials. ~~Additional analysis of the site in the form of a Phase II ESA may be required to further assess potentially hazardous materials identified during the Phase I ESA.~~ The potential for impacts resulting from hazards or hazardous materials under the No Project Alternative would be similar as compared to the proposed project.

6.3.2.5 Noise

With this alternative, noise impacts would be increased as compared to the project, as a more intense development of the site could potentially occur. This alternative would generate construction noise similar to the proposed project because the same type of construction equipment would be used; however, long-term noise impacts are assumed to be incrementally greater than the proposed project due to increased intensity in use of the site (i.e. more delivery trucks, mechanical equipment, etc.). As a result, similar mitigation measures to those required for the proposed project would be required as part of this alternative to reduce potential noise impacts. Therefore, noise impacts would be greater with the No Project Alternative as compared to the proposed project.

6.3.2.6 Traffic and Circulation

The No Project Alternative could result in increased traffic and circulation impacts as compared to the proposed project, depending on the ultimate buildout of the project area. Please see Table 5.6-3 in Section 5.6 of this EIR. Table 5.6-3 calculates the potential traffic generation that could occur under the existing General Plan designations. As the Vision Plan proposes a less intense development of the site than that which would be allowed under the existing General Plan designations, traffic generated by development of the site under the No Project Alternative would be greater. Access would occur from the same points as under the proposed project (Avenida Encinas and Ponto Road and Beach Way). Traffic generated under this alternative would utilize the same roadways as the proposed project; however, impacts to these roadways would be greater with the increase in vehicles trips generated by

the more intense use of the site, thereby increasing significant impacts on these roadways over that resulting from the proposed project. Mitigation in the form of improvements to these roadways and intersections would be similar to that required of the proposed project. Therefore, the No Project Alternative would result in increased impacts to traffic and circulation as compared to the proposed project.

6.3.2.7 Visual Aesthetics and Grading

Under this alternative, impacts on landform and visual aesthetics would be similar as compared to the proposed project, as the development area and potential uses would be similar. Development would be subject to the City's Scenic Corridor Guidelines and the requirements of the Landscape Design Manual to reduce the potential for visual impacts to occur. ~~Mitigation-Design~~ measures in the form of landscaping manufactured slopes and screening of retaining walls would be required. However, there would be no plan for a cohesive mix of landscaping and architecture or adopted design guidelines. Therefore, potential visual impacts would be greater under this alternative.

6.3.2.8 Agricultural Resources

~~As compared~~ Similar to the proposed project, impacts to agricultural resources would be less than significant. Therefore, impacts to agricultural resources would be the same as compared to the project.

6.3.2.9 Geology and Soils

Similar to the proposed project, no significant impacts relating to geologic resources would occur under this alternative. Although additional grading of onsite soils may be required due to a potential increase in the number of units or square footage of development, grading would not result in substantial soil erosion or the loss of topsoil, or increase exposure of residents to the risk of landslides or earthquakes. As such, potential impacts from geological resources under this alternative would be similar to that of the proposed project.

6.3.2.10 Hydrology and Water Quality

As with the proposed project, this alternative would not result in a significant impact on hydrology or water quality. The amount of impervious surfaces on the site would be similar with the No Project Alternative as compared to the project in terms of driveways and roadways, and the development footprint is assumed to also be similar. Required stormwater facilities would be adjusted accordingly. Similar design measures and BMPs required for the proposed project would be required for this alternative to minimize potential water quality impacts. Therefore, impacts to water quality and hydrology would be similar as compared to the proposed project.

6.3.2.11 Land Use and Planning

As with the proposed project, no significant land use impacts would occur with this alternative. The No Project Alternative would be consistent with applicable land use plans and zoning, as development of the site would occur under the current land use and zoning designations. Therefore, land use impacts under this alternative would be similar to the proposed project and no mitigation would be required.

6.3.2.12 Public Utilities and Public Service Systems

As with the proposed project, this alternative would not result in significant impacts on utilities or public services, as all development would be consistent with the requirements of the LFMPs for Zones 9 and 22. However, under the No Project Alternative, it is assumed that a greater demand would be placed on existing or future utility systems and public services, as a greater number of residential units or greater intensity of commercial uses could occur, thereby incrementally increasing the demand for public water and sewer and other services, such as law enforcement and fire service protection, and educational services at local schools. Therefore, this alternative would increase impacts on public utilities and service systems as compared to the proposed project.

6.3.3 Rationale for Preference of the Proposed Project over the No Project Alternative

Like the proposed project, this alternative would be consistent with all land use plans and zoning, and would reflect the type of development originally intended for the site under the General Plan. However, with the No Project Alternative, impacts to traffic and circulation, noise, utilities and public service systems, as well as air quality, would be greater than the proposed project, due to the potential increase in the number of proposed residential units or square footage of development.

This alternative would meet the objective of conforming with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable City ordinances, regulations and policies. This alternative would also meet the objective of establishing a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses, as such uses would be allowed under the existing land use and zoning designations. This alternative would also be required to assure that public facilities and services meet the requirements of the Growth Management Plan.

However, as the Vision Plan would not be implemented with this alternative, this alternative would not achieve the project objectives of establishing the Southern Coastal Gateway to the City or providing site design guidelines that require street scenes and site plans to respect pedestrian scale and express a cohesive and high-quality architectural theme. In addition, this alternative would not provide for expanded and enhanced beach access, or establish a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses. This alternative would also not achieve the objective of requiring landowners within the project development area to utilize landscape architecture that celebrates the historic past and horticultural heritage of the City, thereby reinforcing an overall theme. Expanded and enhanced beach access would also not be provided. For these reasons, this alternative was rejected from further consideration.

6.4 Analysis of the Increased Residential Use Alternative

6.4.1 Increased Residential Use Alternative Description and Setting

The Increased Residential Land Use Alternative assumes that the majority of the project site would be developed with townhomes, at a density of 19 du/acre; refer to Figure 6-2. At this density, an estimated 352 townhomes could be constructed. In addition, the Resort Hotel and Hotel/Commercial uses would also be developed, similar to the proposed project. No Mixed-Use or Live-Work/Mixed-Use uses would be developed, thereby minimizing commercial

retail or tourism-oriented uses. This alternative would not result in improvements associated with the State Beach, nor include enhancements to the major entryway into the City at Carlsbad Boulevard and Batiquitos Lagoon.

6.4.2 Comparison of the Effects of the Increased Residential Use Alternative to the Proposed Project

6.4.2.1 *Air Quality*

The Increased Residential Use Alternative would generate fewer vehicle trips than the proposed project as the result of the elimination of the mixed-use commercial and Village Hotel uses, and would therefore result in an incremental decrease in air quality impacts resulting from vehicle emissions. Therefore, impacts to air quality under this alternative would be reduced as compared to the proposed project.

6.4.2.2 *Biological Resources*

With this alternative, impacts on biological resources would be similar as compared to the proposed project. The development footprint would remain largely the same, as the majority of the site would be assumed to be impacted. In addition, grading required for the proposed uses and project roadways would be roughly the same; therefore, potential biological impacts to sensitive resources resulting from noise generated by heavy equipment during grading and construction activities would be similar with this alternative. Other potential impacts, such as night lighting and threats from domesticated pets, would also be similar. Therefore, with the Increased Residential Use Alternative, impacts on biological resources would be similar as compared to the proposed project.

6.4.2.3 *Cultural Resources*

Potential impacts caused by disturbance to undiscovered cultural resources during grading or construction activities would be similar to that of the proposed project. Mitigation in the form of monitoring during grading activities would therefore be required. Therefore, potential impacts to cultural resources would be similar as compared to the Increased Residential Alternative as compared to the proposed project.

6.4.2.4 *Hazards and Hazardous Materials*

Similar to the proposed project, the existing residential and commercial uses would remain onsite with this alternative. As such, future residents and visitors to the site would be exposed to potentially hazardous conditions such as contaminated soils or chemicals utilized on the site. As such, additional site assessment would be required under this alternative to determine the extent of potential impacts due to the exposure of humans to such conditions. Therefore, impacts related to hazards and hazardous conditions would be similar to the proposed project under this alternative.

6.4.2.5 *Noise*

With this alternative, potential noise impacts would be reduced as compared to the proposed project. By removing the mixed-use and Village Hotel uses, potential noise impacts from the operation of electrical and mechanical equipment (i.e., ventilation and air conditioning units)

would be reduced. As the majority of the site would be developed under this alternative, noise impacts resulting from construction and operation of construction equipment would be largely the same as that of the proposed project. However, as this alternative would place a large number of residential units adjacent to Carlsbad Boulevard, additional analysis would be required to determine potential noise impacts. Similar mitigation measures would be required to demonstrate that noise levels are reduced to a less than significant level. Therefore, noise impacts under this alternative would be similar to the proposed project.

6.4.2.6 *Traffic and Circulation*

The Increased Residential Use Alternative would generate fewer vehicle trips than the proposed project, due to the proposed residential uses versus the mixed-use or resort-commercial uses, resulting in a decrease in traffic as compared to the project. As the same circulation system is proposed, roadway segments and intersections would likely operate at an improved level of service under this alternative with the reduction in ADT generated. Therefore, impacts to traffic would be reduced with this alternative.

6.4.2.7 *Visual Aesthetics and Grading*

Although impacts to visual aesthetics and grading are not considered to be significant with the proposed project, the Increased Residential Use Alternative would increase such impacts as compared to the proposed project. The construction of residential uses along the coastal bluffs would be inconsistent with the goals of the Local Coastal Program. The Coastal Commission prefers the construction of mixed-use and commercial uses along the coastline, as such uses typically allow for better preservation of existing views across a site. In addition, typical residential development involves the defining of individual lot boundaries with fences or thick landscaping, such as shrubs, to obscure views into one's yard. As a result, views through residential areas are generally limited, as compared to a hotel site, where there may be one large structure, combined with several smaller, independent support structures, with intervening parking as well as public access to the space for views. This pattern of development provides a more open visual environment, allowing views or line-of-sight across the property to be less impacted or restricted as compared to a residential area. Onsite development would be subject to the Scenic Corridor Guidelines, similar to the proposed project. With this alternative, the potential for impacts to visual resources would be increased as compared to the proposed project.

6.4.2.8 *Agricultural Resources*

As compared to the proposed project, impacts to agricultural resources would be less than significant. Therefore, impacts to agricultural resources would be the same as compared to the project.

6.4.2.9 *Geology and Soils*

Similar to the proposed project, no significant impacts relating to geologic resources would occur under this alternative. Grading for the proposed uses would not result in substantial soil erosion or the loss of topsoil, or increase exposure of residents or visitors to the risk of landslides or earthquakes. As such, potential impacts from geological resources under this alternative would be similar to that of the proposed project.

6.4.2.10 Hydrology and Water Quality

As discussed in Section 5.10, the proposed project would not result in a significant impact on hydrology and water quality. Under this alternative, the area of impervious surfaces would be similar to the proposed project. Required storm water facilities would be adjusted accordingly and would be consistent with the requirements of the Zones 9 and 22 LFMPs. Similar BMPs required for the proposed project would be required under this alternative to ensure that impacts are less than significant, similar to the proposed project.

6.4.2.11 Land Use and Planning

This alternative would include a General Plan Amendment to change the existing General Plan designation to an Area of Special Consideration, similar to the proposed project. This alternative would conflict with the LCP goals of providing visitor serving commercial uses within the coastal zone. Therefore, no impacts related to land use and planning would be greater than the proposed project.

6.4.2.12 Public Utilities and Service Systems

As with the proposed project, this alternative would not result in significant impacts to utilities or service systems. This alternative would implement public utilities consistent with that anticipated in the LFMPs for Zones 9 and 22. While this alternative would result in an increased demand for City administrative, library, parks, fire and school facilities, the project would not in itself necessitate the construction or alteration of these facilities. Therefore, impacts to public utilities and services under this alternative would increase slightly as compared to the proposed project.

6.4.3 Rationale for Preference of Proposed Project over the Increased Residential Use Alternative

This alternative was rejected because it fails to achieve the majority of the project objectives. As the majority of the project site would be developed with residential uses under this alternative, the objective of establishing a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses or accommodating a mix of local and tourist-serving commercial, medium-and high-density residential, mixed use, live/work, and open space land use opportunities ~~that are economically viable~~ would not be achieved. This alternative would also not provide expanded and enhanced beach access, or provide site design guidelines that require street scenes and site plans to respect pedestrian scale and express a cohesive and high-quality architectural theme. In addition, this alternative would not establish the Southern Coastal Gateway to the City, as no improvements would be made to signify such an entry point. As this alternative would not meet these and other objectives, this alternative ~~is~~ was rejected.

6.5 Analysis of the Increased Residential Use / Open Space Alternative**6.5.1 Increased Residential Use / Open Space Alternative Description and Setting**

The Increased Residential Use / Open Space Alternative would result in a large portion of the property being developed with townhomes at a density of 19 du/acre; refer to Figure 6-3. This would allow approximately 316 dwelling units. In addition, a Mixed-Use Center would

be developed in the same location as with the proposed project, and would allow for a variety of commercial retail uses, restaurants, and specialty stores to support the residential and hotel and residential uses. The Hotel/Commercial use would be proposed in the northern portion of the property, although at a smaller scale than compared to that of the proposed project. In addition, this alternative proposes an open space/community park in the southern portion of the property, rather than the Beachfront Resort. The park would be open to the public and would offer opportunities for active and passive recreation, such as walking trails and picnic tables. Development of the Ponto Area would not occur under the Vision Plan with this alternative.

6.5.2 Comparison of the Effects of the Increased Residential Use / Open Space Alternative to the Proposed Project

6.5.2.1 *Air Quality*

This alternative would reduce the number of vehicle trips generated to and from the property, as travel/recreation commercial uses would be reduced and a greater number of residential units would be constructed. As a result, air quality impacts would be incrementally reduced as compared to the proposed project. In addition, pollutants generated by operation of construction equipment would be roughly the same as compared to the proposed project, as the development area is assumed to be similar.

6.5.2.2 *Biological Resources*

With this alternative, impacts to biological resources would be reduced as compared to the proposed project. Approximately 12 acres would remain as open space/community park for public use. As the majority of the area that would be used for the park is disturbed habitat or non-native vegetation, impacts would be similar to that of the proposed project; however, an area of Diegan Coastal Sage Scrub (disturbed) occurs in the southwestern portion of the site, which could be avoided by design of the open space/park use. Impacts to biological resources would therefore be reduced with this alternative as compared to the proposed project.

6.5.2.3 *Cultural Resources*

Potential impacts caused by disturbance to undiscovered cultural resources during grading or construction activities would be similar to that of the proposed project, with the exception of the area proposed as open space/community park. Grading for minor improvements for the park may be required; however, the majority of the ground surface would not be disturbed, thereby reducing potential impacts to undiscovered cultural resources. Mitigation in the form of monitoring during grading activities would be required. Therefore, potential impacts to cultural resources would be reduced as compared to the proposed project.

6.5.2.4 *Hazards and Hazardous Materials*

Similar to the proposed project, the existing residential and commercial uses would remain onsite with this alternative. As such, future residents and visitors to the site would be exposed to potentially hazardous conditions such as contaminated soils or chemicals utilized on the site. As such, additional site assessment would be required under this alternative to determine the extent of potential impacts due to the exposure of humans to such conditions. Therefore,

impacts related to hazards and hazardous conditions would be similar to the proposed project under this alternative.

6.5.2.5 *Noise*

Noise impacts would be reduced with this alternative, with the reduction in the proposed resort-commercial and mixed-use land uses, by reducing mechanical equipment needs and commercial and visitor traffic. In addition, the removal of the Beachfront Resort would also reduce traffic noise and noise from daily operations. However, as residential units are proposed adjacent to Carlsbad Boulevard, additional acoustical site analysis would be required as mitigation to determine potential noise impacts on a project-specific basis. Therefore, noise impacts would be reduced with this alternative as compared to the proposed project.

6.5.2.6 *Traffic and Circulation*

This alternative would reduce the number of vehicle trips generated by reducing the intensity of uses and by proposing a greater number of residential units, while reducing commercial and tourism-related activities. The density of townhomes or single-family units would be developed at a similar density as that under the proposed project; however, a larger area would be reserved for such townhome uses under this alternative. As this alternative would keep the onsite circulation system proposed with the project, and would contribute ADT along similar offsite roadways, mitigation measures to reduce impacts would be similar to that of the proposed project, but at a reduced scale, as this alternative would result in fewer trips generated. Traffic impacts would therefore be reduced with this alternative as compared to the project.

6.5.2.7 *Visual Aesthetics and Grading*

Similar to the proposed project, no significant impacts related to visual aesthetics or grading would result from this alternative. Development would be consistent with City grading standards, the Landscape Design Manual, zoning regulations, and the Scenic Corridor Guidelines. The construction of residential uses along the coastal bluffs would be inconsistent with the goals of the Local Coastal Program. The Coastal Commission prefers the construction of mixed-use and commercial uses along to coastline, as such uses typically allow for better preservation of existing views across a site. In addition, typical residential development involves defining individual lot boundaries with fences or thick landscaping, such as shrubs, to obscure views into one's yard. As a result, views through residential areas are generally limited, as compared to a hotel site, where there may be one large structure, combined with several smaller, independent support structures, with intervening parking. The southern portion of the site would not be developed with the Beachfront Hotel and would instead remain as open space/community park. Impacts to landform alteration and visual resources would therefore be similar with this alternative as compared to the proposed project.

6.5.2.8 *Agricultural Resources*

Similar to the proposed project, impacts to agricultural resources would be less than significant. Therefore, impacts to agricultural resources would be the same as compared to the proposed project.

6.5.2.9 *Geology and Soils*

Similar to the proposed project, no significant impacts relating to geologic resources would occur under this alternative. Grading for the proposed uses would not result in substantial soil erosion or the loss of topsoil, or increase exposure of residents to the risk of landslides or earthquakes. As such, potential impacts from geological resources under this alternative would be similar to that of the proposed project.

6.5.2.10 *Hydrology and Water Quality*

As discussed in Section 5.10, the proposed project would not result in a significant impact on hydrology and water quality. Improvement of the roadway for onsite circulation would require limited grading as compared to the roadways and building pads proposed with the project, thereby reducing the acreage of impervious surfaces. BMPs would be required with this alternative with the onsite roadway. Impacts to hydrology and water quality would be reduced with this alternative as compared to the proposed project.

6.5.2.11 *Land Use and Planning*

This alternative would include a General Plan Amendment to change the existing General Plan designation to Area of Special Consideration, similar to the proposed project. This alternative would conflict with the LCP goals of providing visitor-serving commercial uses in the coastal zone. Therefore, impacts related to land use and planning would be greater than the proposed project.

6.5.2.12 *Utilities and Service Systems*

Similar to the proposed project, this alternative would not result in a significant impact to utilities or service systems; however, this alternative would result in an increase in demand on public services and facilities, due to the increased residential uses as compared to the proposed project. Therefore, this alternative would increase impacts to utilities and public service systems as compared to the proposed project.

6.5.3 *Rationale for Preference of Proposed Project over the Increased Residential Use/Open Space Alternative*

This alternative would reduce impacts to traffic, noise and air quality, as well as impacts to biological resources as compared to the proposed project, due to the removal of the Resort hotel use and reduction of the Mixed-Use area. In addition, this alternative would achieve the project objectives of assuring that public facilities and services meet the requirements of the Growth Management Plan and that the project conforms with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable City ordinances, regulations and policies. As Carlsbad Boulevard would be re-aligned, expanded and enhanced beach access would be provided. However, as ~~a plan~~ the Vision Plan would not be developed to guide development within the project area, this alternative would not achieve

the goals of establishing the Southern Coastal Gateway to the City or providing site design guidelines that require street scenes and site plans to respect pedestrian scale and express a cohesive and high-quality architectural theme. This alternative would also conflict with the stated goals of the LCP to provide visitor-serving commercial uses in the coastal zone. In addition, ~~the~~this alternative would not provide landscape architecture that celebrates the historic past and horticultural heritage of the City, as no design guidelines would be proposed. As this alternative would not meet these and other objectives, this alternative was rejected.

6.6 Analysis of the Increased Townhomes / Single-Family Detached Alternative

6.6.1 Increased Townhomes / Single-Family Detached Alternative Description and Setting

The Increased Townhomes / Single-Family Detached Alternative assumes that the project site would be largely developed with townhomes and single-family development at a density of 10 du/acre; refer to Figure 6-4. This would allow for approximately 172 dwelling units within the northern portion of the site. In addition, the Hotel/Commercial uses at the northern end of the property would be developed. A Mixed-Use Center would be developed in the central portion of the site, just north of Avenida Encinas, similar to the proposed project, but at a smaller scale. The Resort Hotel Use would be developed in the southern portion of the site, also similar to the proposed project. This alternative assumes the re-alignment of Carlsbad Boulevard with development of a linear park along the west side of the roadway. Onsite road patterns would be the same as the proposed project. No improvements to enhance the State Beach would be proposed with this alternative.

6.6.2 Comparison of the Effects of the Increased Townhomes / Single-Family Detached Alternative to the Proposed Project

6.6.2.1 Air Quality

This alternative would reduce the number of vehicle trips generated to and from the property, as a greater number of residential units would be constructed, and commercial and resort-commercial uses would be reduced as compared to the proposed project. As a result, air quality impacts would be incrementally reduced; however, mobile emissions would still remain above the significance threshold level for criteria pollutants, although impacts would be less than that of the proposed project. Pollutants generated during the operation of construction equipment would be similar to that resulting from the proposed project, as the development footprint would be similar with this alternative.

6.6.2.2 Biological Resources

With this alternative, the development footprint would be largely the same as the proposed project, although the mixture of uses would differ. Similar mitigation measures would therefore be required to reduce impacts to less than significant. Impacts to biological resources would be similar with this alternative as compared to the proposed project.

6.6.2.3 Cultural Resources

This alternative would result in a similar impact to cultural resources as the proposed project. The development footprint would be similar under this alternative, and grading activities would represent the potential for disturbance to undiscovered cultural resources. Therefore, the same resources would potentially be impacted with this alternative and similar mitigation measures in the form of monitoring would be required to reduce impacts to less than significant.

6.6.2.4 Hazards and Hazardous Materials

Implementation of this alternative would result in a similar impact related to hazards and hazardous materials as with the proposed project. Development on the property would expose people to potentially hazardous materials, such as contaminated soils, asbestos and/or lead paint, and other hazardous chemicals, as identified during the initial site assessment. Such materials would need to be properly disposed of and remediated as applicable before development could occur on the site with this alternative. Impacts are similar under this alternative compared to the proposed project. Implementation of mitigation measures similar to that of the proposed project would be required.

6.6.2.5 Noise

Noise impacts would be reduced with this alternative, with the reduction in the proposed resort-commercial and mixed-use land uses by reducing mechanical equipment needs and commercial and visitor traffic. However, as residential units are proposed adjacent to Carlsbad Boulevard, additional acoustical site analysis would be required as mitigation to determine potential noise impacts on a project-specific basis. Therefore, noise impacts would be reduced with this alternative as compared to the proposed project.

6.6.2.6 Traffic and Circulation

This alternative would reduce vehicle trips generated by reducing the intensity of uses and by proposing a greater number of residential units, while reducing commercial and tourism-related activities. The density of townhomes or single-family units would be developed at a density of 10 du/acre rather than 19 du/acre, as compared to the proposed project. As this alternative would keep the onsite circulation system proposed with the project, and would contribute ADT along similar offsite roadways, mitigation measures to reduce impacts would be similar to that of the proposed project, but at a reduced scale, as this alternative would result in fewer trips generated. Traffic impacts would therefore be reduced with this alternative as compared to the project.

6.6.2.7 Agricultural Resources

This alternative would result in a similar, non-significant impact to agricultural resources as compared to the proposed project. The conversion of agricultural land affected by the LCP Mello II would still require payment of fees with this alternative.

6.6.2.8 Geology and Soils

As with the proposed project, no significant impacts as the result of geologic conditions onsite would occur with this alternative. Construction design measures to address any

geologic concerns onsite, such as landslides or soil erosion would be applied on a project-specific basis. Therefore, potential impacts relating to geologic resources would be similar as compared to the proposed project.

6.6.2.9 *Hydrology and Water Quality*

Drainage requirements would be similar to that of the proposed project, and would include relocation of the existing onsite storm drain. Best management practices would be implemented to reduce potential water quality impacts to less than significant, similar to those identified for the project. With implementation of BMPs, impacts on water quality would be similar with this alternative as compared to the proposed project.

6.6.2.10 *Land Use and Planning*

This alternative assumes that a General Plan Amendment would be approved and that the property would be developed under the General Plan designations that would permit a mix of multi-family or single-family residential development. Existing zoning designations would require changes to permit additional residential uses. As no significant impacts on land use and planning were identified with the proposed project, land use and planning impacts would be similar with this alternative as compared to the proposed project.

6.6.2.11 *Utilities and Service Systems*

As stated in Section 3.6, the proposed project would not result in a significant impact to utilities or service systems; however, this alternative would have an increased demand on public utilities and service systems as compared to the proposed project, as additional residential units would be constructed that would require public water and sewer, as well as public services, such as schools and parks. This alternative also proposes development of the linear park for public recreational use, but park-in-lieu-of fees would be paid as applicable. This alternative would result in an increase demand on school services, but development would not cause a significant impact on such facilities or cause a demand for the construction of new school facilities. Therefore, this alternative would reduce impacts to utilities and public service systems as compared to the proposed project.

6.6.2.12 *Visual Aesthetics and Grading*

Similar to the proposed project, no significant impacts related to visual aesthetics or grading would result from this alternative. Development would be consistent with City grading standards, the Landscape Design Manual, zoning regulations, and the Scenic Corridor Guidelines. The construction of residential uses along the coastal bluffs would be inconsistent with the goals of the Local Coastal Program. The Coastal Commission prefers the construction of mixed-use and commercial uses along to coastline, as such uses typically allow for better preservation of existing views across a site. In addition, typical residential development involves defining individual lot boundaries with fences or thick landscaping, such as shrubs, to obscure views into one's yard. As a result, views through residential areas are generally limited, as compared to a hotel site, where there may be one large structure, combined with several smaller, independent support structures, with intervening parking. As the development footprint would be similar to that of the proposed project, required grading for this alternative is assumed to be similar. Impacts to landform alteration and visual

resources would therefore be similar with this alternative as compared to the proposed project.

6.6.3 Rationale for Preference of Proposed Project over the Increased Townhomes / Single-Family Detached Alternative

The Increased Townhomes / Single-Family Detached Alternative would reduce potential significant impacts to traffic and circulation, as well as incrementally decrease air quality impacts, due to a decrease in the number of trips generated. Noise impacts would also be reduced, due to the reduction of commercial uses. The objectives of assuring that public facilities and services meet the requirements of the Growth Management Plan and conformance with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable City ordinances, regulations and policies, would be achieved. As individual ownerships would be developed without an overall plan for guidance, this alternative would not establish a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses. This alternative would allow for the establishment of a mixed-use district that encourages local and tourist-oriented retail, commercial, and recreational land uses, but at a reduced scale as compared to the proposed project. Improvements to Carlsbad Boulevard would provide additional parking, thereby enhancing access to the State Beach.

This alternative does not meet the project objectives of establishing a Southern Coastal Gateway to the City, or of accommodating a balanced and cohesive mix of local and tourist-serving commercial, medium- and high-density residential, mixed use, live/work, and open space land use opportunities, that are economically viable and support the implementation of these goals. This alternative would conflict with the stated goals of the LCP to provide visitor-serving commercial uses in the coastal zone. In addition, no cohesive architectural theme would be achieved for development of the site, as the site would not be developed under the Vision Plan and site guidelines would therefore not be proposed. Although this alternative does reduce some adverse impacts associated with the proposed project, it does not result in a substantial reduction in impacts that would make it preferable over another project alternative. As this alternative would not meet these and other objectives, this alternative was rejected.

6.7 Analysis of the Increased Townhomes / Visitor Use Alternative

6.7.1 Description and Setting

The Increased Townhomes / Visitor Use Alternative assumes that the project site would be ~~largely developed with a mixture of commercial retail and hotel uses, similar to the proposed project, but~~ with additional residential dwelling units provided; refer to Figure 6-5. In the southern portion of the site, the Resort Hotel use would be developed, similar to the proposed project. An increased number of townhomes would be developed at a density of 19 du/acre as compared to the proposed project, with such uses replacing the Mixed-Use Center. Approximately 281 dwelling units could be developed under this alternative. This alternative would allow for a mixture of commercial uses including retail shops and restaurants. In addition, the Hotel/Commercial use at the northern portion of the site would be developed at a reduced scale, with construction of a neighborhood park at the northernmost portion of the site to provide recreational opportunities and to buffer the hotel use from the adjacent

residential neighborhoods. This alternative assumes the re-alignment of Carlsbad Boulevard with development of a linear park along the west side of the roadway. Onsite road patterns would be the same as the proposed project. No improvements to enhance the State Beach would be proposed with this alternative.

6.7.2 Comparison of the Effects of the Increased Townhomes / Visitor Use Alternative to the Proposed Project

6.7.2.1 *Air Quality*

This alternative would reduce the number of vehicle trips generated to and from the property, as a greater number of residential units would be constructed, and commercial and resort-commercial uses would be reduced as compared to the proposed project. As a result, air quality impacts would be incrementally reduced; however, mobile emissions would still remain above the significance threshold level for criteria pollutants, although impacts would be less than that of the proposed project. Pollutants generated during the operation of construction equipment would be similar to that compared to that resulting from the proposed project, as the development footprint would be similar with this alternative.

6.7.2.2 *Biological Resources*

With this alternative, the development footprint would be largely the same as the proposed project, although the mixture of uses would differ. Similar mitigation measures would therefore be required to reduce impacts to less than significant. Impacts to biological resources would therefore be similar with this alternative as compared to the proposed project.

6.7.2.3 *Cultural Resources*

This alternative would result in a similar impact to cultural resources as the proposed project. The development footprint and limits of grading would be similar under this alternative, and grading activities would represent the potential for disturbance to undiscovered cultural resources. Therefore, cultural resources not previously identified could potentially be impacted with this alternative, and similar mitigation measures in the form of monitoring would be required to reduce impacts to less than significant.

6.7.2.4 *Hazards and Hazardous Materials*

Implementation of this alternative would result in a similar impact related to hazards and hazardous materials as with the proposed project. Hazardous materials identified onsite during preparation of the Phase I ESA would require further analysis and determination of potentially significant impacts to human health. Removal of such hazardous materials could be required through implementation of mitigation measures similar to that of the proposed project.

6.7.2.5 *Noise*

Noise impacts would be reduced with this alternative, as an increase in residential units would occur, the Village Hotel would be replaced by residential uses, and the live-work neighborhood would not be developed, thereby distancing residential uses from commercial

retail uses. In addition, a reduction in noise impacts would also occur, as the need for mechanical equipment and the number of vehicle trips generated would also be reduced. However, townhomes would be constructed adjacent to Carlsbad Boulevard, thereby potentially exposing onsite residents to noise impacts from traffic along the roadway. Additional acoustical site analysis would be required as mitigation to determine potential noise impacts on a project-specific basis. Therefore, noise impacts would be reduced with this alternative as compared to the proposed project.

6.7.2.6 *Traffic and Circulation*

This alternative would result in a slight reduction in the number of vehicle trips generated per day, as the result of a removal of the Village Hotel and Mixed-Use Center. In addition, the Hotel/Commercial area would be reduced in size, to allow for provision of the neighborhood park. Onsite circulation would be similar to that proposed with the project, and ADT generated would result in impacts to similar offsite roadways. Mitigation measures to reduce impacts would therefore be similar to that of the proposed project. Traffic impacts would therefore be reduced with this alternative as compared to the project.

6.7.2.7 *Agricultural Resources*

This alternative would result in a similar, non-significant impact to agricultural resources as compared to the proposed project. The conversion of agricultural land affected by the LCP Mello II district would require payment of fees with this alternative to reduce potential impacts.

6.7.2.8 *Geology and Soils*

No significant impacts as the result of geologic conditions onsite would occur with this alternative. Development of the site would not increase the risk of exposure to any geologic conditions onsite, such as landslides or soil erosion, and design measures would be implemented on a project-specific basis. Therefore, potential impacts relating to geologic resources would be similar as compared to the proposed project.

6.7.2.9 *Hydrology and Water Quality*

This alternative would result in similar drainage requirements as compared to the proposed project, as it is assumed that the amount of impervious surfaces would be roughly the same. Drainage improvements would be provided consistent with the LFMPs for Zones 9 and 22 as applicable. The existing onsite storm drain would be relocated with this alternative. BMPs similar to those proposed for the project would be implemented to reduce potential water quality impacts to less than significant. With implementation of the BMPs, impacts on water quality would be similar with this alternative as compared to the proposed project.

6.7.2.10 *Land Use and Planning*

Similar to the proposed project, this alternative would involve development of the site under an approved GPA that would allow the property to be developed under a General Plan designation of an Area of Special Consideration for commercial/hotel components of the plan. The removal of the mixed-use component of the plan would eliminate uses that would appeal to other city residents or visitors not living or staying within the Vision Plan area.

Removal of the mixed-use area would result in reduced coastal access because fewer services for people from outside the Vision Plan area would be available. As with the proposed project, land use and planning impacts would be less than significant. As no significant impacts on land use and planning were identified with the proposed project, land use and planning impacts would be similar with this alternative as compared to the proposed project.

6.7.2.11 Utilities and Service Systems

This alternative would result in an increased demand on public utilities and service systems as compared to the proposed project, due to the increase in housing and permanent population. Residents living in the proposed residential units would place a demand on public sewer and water service, similar to conditions with the proposed project. However, as a greater number of permanent residents would reside on the site, an increased demand for facilities such as schools, fire protection, parks, libraries and City administration facilities would be created. This increased demand would not adversely impact the ability of the City to provide such services, as demonstration of consistency with the Zones 9 and 22 LFMPs for adequate provision of these services would be required prior to development. This alternative also proposes development of the linear park for public recreational use, as well as a small neighborhood park to provide for additional parkland and recreational facilities. The payment of school and park in-lieu-of fees would be required as applicable to reduce potential impacts on public service systems. Overall, this alternative would increase impacts to utilities and public service systems as compared to the proposed project.

6.7.2.12 Visual Aesthetics and Grading

Similar to the proposed project, no significant impacts related to visual aesthetics or grading would result from this alternative. All development would occur consistent with City grading standards, the Landscape Design Manual, zoning regulations for height and setbacks, and the City's Scenic Corridor Guidelines to reduce potential visual impacts and maintain visual resources. As the development footprint is assumed to be similar with this alternative as compared to that required for development of the proposed project, required grading for this alternative is also assumed to be similar. Impacts to landform alteration and visual resources would therefore be similar with this alternative as compared to the proposed project.

6.7.3 Rationale for Preference of Proposed Project over the Increased Townhomes / Visitor Use Alternative

The Increased Townhomes / Visitor Use Alternative would reduce potential significant impacts to traffic and circulation, as well as resultant noise and air quality impacts, as compared to the proposed project. This alternative would meet the objectives of assuring that the provision of public facilities and services would meet the requirements of the Growth Management Plan, prior to development. In addition, conformance with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable City ordinances, regulations and policies would also be achieved with this alternative. Improvements to Carlsbad Boulevard would also allow for additional parking for the State Beach, providing improved access.

However, as no overall plan would be provided to guide development within the area without the Vision Plan, and individual ownerships would be developed as desired, a cohesive mix of

local and tourist-serving commercial, medium- and high-density residential, mixed use, live/work, and open space land use opportunities ~~that are economically viable~~ would not be achieved. In addition, this alternative would not provide a cohesive architectural theme for development of the site, ~~as the Vision Plan would not be implemented.~~ Similarly, requirements for landscape architecture that would celebrate the historic past and horticultural heritage of the City would not be ~~achieved~~ required without the Vision Plan. Although improvements would be made consistent with the Scenic Corridor Guidelines, this alternative does not specifically meet the project objective of establishing a Southern Coastal Gateway to the City. ~~The eliminator of the mixed-use component of the plan would remove uses that would appeal to other visitors and residents in the City of Carlsbad.~~ The removal of the mixed-use area would mean fewer services would be available for city residents or visitors from outside the Vision Plan area. As this alternative would not meet these and other objectives, this alternative was rejected.

6.8 Analysis of the Increased Recreational Amenities/Green Space Alternative

6.8.1 Description and Setting

The Increased Recreational Amenities/Green Space Alternative assumes that the project site would be developed with the same mixture of uses as proposed with the Vision Plan; however, this alternative would decrease the size of the Resort Hotel facilities at the southern end of the Vision Plan area and provide an open area along the bluff that would be available for public recreational use; refer to Figure 6-6. In addition, the area would provide an added buffer between the hotel facilities and the Batiquitos Lagoon. The open area would complement the multi-use trail envisioned in the Vision Plan, and would be located within the setback of the development envelope for the Resort Hotel. The open area would be maintained by the property owner.

It is envisioned that the open area would be bermed to provide varied topography, and landscaped with trees for shade and grassy areas for passive or active recreation. Amenities such as benches or picnic tables for meeting or relaxing could be provided within the space and may offer views to the lagoon and the Pacific Ocean. Other amenities such as an open grassy area for weddings, or a gazebo for ceremonies or viewing opportunities, could also be provided. Signage could also be installed within the open area to identify vegetation or flower types, or perhaps animal or avian species that would typically occupy the lagoon, to provide an educational opportunity.

With the above-described exceptions, future development of the Ponto Area would occur as envisioned by the Vision Plan. This alternative assumes the re-alignment of Carlsbad Boulevard with development of a linear park along the west side of the roadway, and construction of a pedestrian underpass to the State Beach. Onsite road patterns would be the same as the proposed project. In addition, improvements to enhance Carlsbad Boulevard as the southern gateway into the City are also envisioned with this alternative.

6.8.2 Comparison of the Effects of the Increased Recreational Amenities/Green Space Alternative to the Proposed Project

6.8.2.1 Air Quality

This alternative would slightly reduce the number of vehicle trips generated to and from the property as compared to the proposed project, as the resort use would be reduced in square footage. As a result, air quality impacts would be incrementally reduced; however, mobile emissions would still remain above the significance threshold level for criteria pollutants, although impacts would be less than that of the proposed project. Pollutants generated during the operation of construction equipment would be similar to that resulting from the proposed project, as the development footprint would be similar with this alternative.

6.8.2.2 Biological Resources

With this alternative, the development footprint would be largely the same as that resulting with the proposed project and therefore, similar mitigation measures would be required to reduce potential impacts to less than significant. Impacts to biological resources would therefore be similar with this alternative as compared to the proposed project.

6.8.2.3 Cultural Resources

This alternative would result in similar impacts to cultural resources as the proposed project. The development footprint would be similar under this alternative, and grading activities would represent the potential for disturbance to undiscovered cultural resources. Therefore, the same resources would potentially be impacted with this alternative and similar mitigation measures in the form of monitoring would be required to reduce impacts to less than significant.

6.8.2.4 Hazards and Hazardous Materials

Implementation of the increased Recreational Amenities/Green Space Alternative would result in similar impacts relative to hazards and hazardous materials as compared with the proposed project. Hazardous materials identified onsite during preparation of the Phase I ESA would require further analysis and determination of potentially significant impacts to human health upon future development of individual ownerships within the Ponto Area. The removal of hazardous materials would be required, as applicable, through implementation of mitigation measures, similar to the proposed project to reduce potential impacts to less than significant.

6.8.2.5 Noise

Potential noise impacts would be slightly reduced with this alternative, as the area proposed for the Resort Hotel would be reduced in size to allow for provision of the open area. In addition, the number of vehicle trips generated would also be incrementally reduced, resulting in a decrease in noise generated by cars traveling to and from the site. Additional acoustical site analysis would be required as mitigation to determine potential noise impacts on a project-specific basis for future development within the Ponto Area. Overall, noise impacts would be reduced to less than significant with this alternative, as compared to the proposed project.

6.8.2.6 Traffic and Circulation

As stated above, this alternative would result in a slight reduction in the number of vehicle trips generated per day, due to the reduction of the Resort Hotel facilities to allow for provision of the open area. Onsite circulation would be similar to that proposed with the project, and ADT generated would result in impacts to similar offsite roadways. Mitigation measures to reduce potential traffic impacts would therefore be similar to that of the proposed project.

6.8.2.7 Agricultural Resources

This alternative would result in a similar, non-significant impact to agricultural resources as compared to the proposed project. The conversion of agricultural land affected by the LCP Mello II district would require payment of fees with this alternative to reduce potential impacts to less than significant.

6.8.2.8 Geology and Soils

Development of the Ponto Area would not increase the risk of exposure to any geologic conditions onsite, such as landslides or soil erosion. Design measures would be implemented on a project-specific basis. Therefore, potential impacts relative to geologic resources would be similar and non-significant, as compared to the proposed project.

6.8.2.9 Hydrology and Water Quality

This alternative would result in similar drainage requirements as compared to the proposed project, as it is assumed that the amount of impervious surfaces would be roughly the same. Drainage improvements would be provided consistent with the LFMPs for Zones 9 and 22 as applicable. BMPs similar to those proposed for the project would be implemented on a project-by-project basis to reduce potential water quality impacts to less than significant.

6.8.2.10 Land Use and Planning

Similar to the proposed project, this alternative would involve development of the Ponto Area under an approved GPA that would allow the property to be developed under a General Plan designation of an Area of Special Consideration. All future development would be consistent with the General Plan designation and as envisioned by the Vision Plan. No significant impacts relative to land use and planning were identified with the proposed project. Potential land use and planning impacts would be similar with this alternative as compared to the proposed project.

6.8.2.11 Utilities and Service Systems

Future development within the Ponto Area would be required to demonstrate consistency with the Zones 9 and 22 LFMPs for adequate provision of public services such as police and fire protection. This alternative proposes development of an open area that would provide recreational opportunities for the public. Landowners within the Ponto Area would be required to pay school and park in-lieu fees as applicable to reduce potential impacts on public service systems and facilities. As such, this alternative would result in similar impacts on utilities and public service systems, as compared to the proposed project.

6.8.2.12 Visual Aesthetics and Grading

Similar to the proposed project, no significant impacts relative to visual aesthetics or grading would result from the Recreational Amenities/Green Space Alternative. All future development within the Ponto Area would be consistent with City grading standards, the City's Landscape Design Manual, zoning regulations for building height and setbacks, and the City's Scenic Corridor Guidelines to reduce potential visual impacts and maintain visual resources. The overall development footprint would also be similar with this alternative as compared to the proposed project, with the exception of a reduction in the Resort Hotel facilities. In addition, this alternative would locate the Resort Hotel facilities at a greater distance from the bluff and would provide a landscaped open area that would be visible from offsite public vantage points. Grading for this alternative is assumed to be similar to that required for the proposed project, as development would be largely the same. Potential impacts to landform alteration and visual resources would therefore be similar with the Recreational Amenities/Green Space Alternative as compared to the proposed project.

6.8.3 Rationale for Preference of Proposed Project over the Increased Recreational Amenities/Green Space Alternative

As the Increased Recreational Amenities/Green Space Alternative is similar to development envisioned in the Vision Plan, it would meet both the project goals as well as the majority of goals established in the *South Carlsbad Coastal Redevelopment Area Redevelopment Plan*. This alternative would incrementally reduce potentially significant impacts to traffic and circulation, as well as resultant noise and air quality impacts, as compared to the proposed project. In addition, future development of the Ponto Area would be consistent with requirements of the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), and applicable City ordinances, regulations and policies, and therefore, no conflicts relative to land use and planning would occur.

This alternative would also allow for improvements to Carlsbad Boulevard and establishment of a Southern Coastal Gateway to the City, as well as enhanced access to Carlsbad State Beach, similar to the proposed project. This alternative would also establish a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses, and would provide a cohesive architectural theme for future development of the Ponto Area. Similar to the proposed project, this alternative would meet the objectives of assuring that the provision of public facilities and services would meet the requirements of the Growth Management Plan, prior to development. Requirements for landscape architecture that would celebrate the historic past and horticultural heritage of the City would also be achieved.

As discussed above, the Increased Recreational Amenities/Green Space Alternative would meet the project goals, as well as the goals of the SCCRA Redevelopment Plan. For these reasons, the Increased Recreational Amenities/Green Space Alternative was not rejected from further consideration.

6.8.6.9 Carlsbad Boulevard Re-Alignment Alternatives

The Vision Plan includes four alternatives for the realignment of Carlsbad Boulevard; refer to Figures 6-1A and 6-1B. The alignments were largely evaluated for potential effects relative to impacts on biological resources, visual resources, parking, traffic signal operations

and bridge requirements; refer to Table 6-2. An analysis was performed to determine the potential benefits of moving the existing northbound/southbound Carlsbad Boulevard lanes either to the west or to the east of their current location.

The re-alignment of Carlsbad Boulevard represents the opportunity to achieve several goals of the Ponto Beachfront Village Vision Plan and the South Carlsbad Coastal Redevelopment Area Redevelopment Plan. These goals were considered in the evaluation of the following alternatives to determine the potential benefits and adverse impacts of each. The goals are as follows:

Ponto Beachfront Village Vision Plan

- Provide expanded and enhanced beach access;
- Establish the Southern Coastal Gateway to the City;
- Require landscape architecture that celebrates the historic past and horticultural heritage of the City; and,
- Assure that public facilities and services meet the requirements of the Growth Management Plan.

South Carlsbad Coastal Redevelopment Area Redevelopment Plan (July 2000)

- Develop new beach and coastal recreational opportunities;
- Provide a funding source for the potential re-alignment of Carlsbad Boulevard that will yield excess property that could facilitate expansion of the Carlsbad State Beach campgrounds and other recreational facilities, and/or development of cultural facilities or other public facilities; and,
- Increase parking and open space amenities.

Alternative #1

Alternative #1 envisions shifting the southbound lanes of Carlsbad Boulevard between existing Ponto Road and Avenida Encinas to the east, thereby providing additional space on the west side of the roadway for both on-street parking and an enhanced multi-purpose trail. No realignment or improvements would occur north of Ponto Road. In relocating the roadway, Alternative #1 would create approximately 0.8 acre along the west side of Carlsbad Boulevard, which could be utilized as a linear public park; refer to Figure 6-1A.

This alternative is considered the Environmentally Superior Alternative with regards to the re-alignment alternatives for Carlsbad Boulevard, as it would result in the least impact to biological resources due to roadway construction. Approximately 3.0 acres of Disturbed Diegan coastal sage scrub would be impacted in the median between Ponto Drive and Avenida Encinas with this alternative. However, this alternative would retain the existing cypress trees in the median to the south of Avenida Encinas, thereby maintaining a visual natural resource along the roadway.

This alternative would provide 61 diagonal parking spaces and 48 parallel parking spaces along Carlsbad Boulevard for visitors to the State Beach. Traffic improvements would require a complex signal operation at Avenida Encinas, due to the width of the required median (longer time to make turning movements), but similar to the existing condition. This

alternative would also retain the existing northbound bridge, but would require construction of a new southbound bridge to implement the grade-separated pedestrian underpass under the roadway.

Potential impacts for this alignment are approximately equal to the proposed project, with the exception of reduced impacts to Disturbed Diegan coastal sage scrub. This alternative would have the same impacts as the proposed project for the other issue areas and would include the same mitigation measures.

This alternative would achieve the Vision Plan's objectives of providing expanded and enhanced beach access and would enable the establishment of a Southern Coastal Gateway to the City. In addition, landscape architecture that celebrates the historic past and horticultural heritage of the City could be applied to further enhance the roadway following re-alignment. With the additional available land created by re-aligning the roadway, this alternative would address the provision of public parks facilities through creation of a linear park for public use and recreation. This alternative would also achieve the goal of the SCCRA Redevelopment Plan to develop new beach and coastal recreational opportunities, and would result in the opportunity for potential expansion of the Carlsbad State Beach campgrounds and other recreational facilities, or development of cultural facilities or other public facilities. Lastly, this alternative would provide additional parking and open space amenities. Therefore, this alternative was not rejected from consideration.

Alternative #2

Alternative #2 is the alignment of Carlsbad Boulevard analyzed as part of the project in the EIR with respect for potential environmental impacts; refer to Figure 3-5, ~~which reflects the same alignment as Alternative #2.~~ Similar to Alternative #1, Alternative #2 envisions shifting the southbound lanes of Carlsbad Boulevard between existing Ponto Road and Avenida Encinas to the east, thereby providing space on the west side for both on-street parking and an enhanced multi-purpose trail. No realignment or improvements would occur north of Ponto Road. This alternative would create approximately 2.0 acres on the west side of Carlsbad Boulevard north of Avenida Encinas and 1.8 acres on the west side of Carlsbad Boulevard, south of Avenida Encinas. This available land could then be used for a linear public park or for expansion of the South Carlsbad State Beach Campground; refer to Figure 6-1A.

The enhanced Carlsbad Boulevard would accommodate two traffic lanes in each direction, dedicated left turn lanes, Class II bike lanes on both sides, and a landscaped center median. By moving the alignment eastward, land on the west side of Carlsbad Boulevard would be available for the location of community amenities such as a pedestrian underpass under the Boulevard, additional parking spaces for beach parking, a multi-use trail, and opportunities for beautification of the median. This alignment would allow for a five- to ten-foot wide linear park pathway or sidewalk along each side of the roadway, with parking provided along one side of the road. An eight-foot wide bike lane could also be constructed on both sides of the roadway, with two 12-foot wide travel lanes in either direction, separated by an 18-foot wide landscaped median; refer to Figure 3-7.

In addition, the repositioning of the roadway would provide potential opportunities for the State Parks campground to expand onto land vacated by the re-alignment. The re-alignment of the southbound lanes of Carlsbad Boulevard to the east would align with improvements to

the roadway recently completed as part of the Hanover Beach Colony development to the north.

With the re-alignment, the Vision Plan envisions a new access point into the Beachfront Village from Carlsbad Boulevard, approximately midway between Ponto Drive and Avenida Encinas. The intersection would be signalized, and a dedicated left-turn lane along Carlsbad Boulevard southbound lanes would be constructed. This alternative would provide 61 diagonal parking spaces and 48 parallel parking spaces for beachgoers located along the southbound lanes of Carlsbad Boulevard between Ponto Road and Avenida Encinas. A less complex signal operation would be required at Avenida Encinas to improve traffic flow as compared to Alternative #1, due to a standardized intersection (i.e., no wide median). This alternative would also retain the existing northbound bridge, although a new southbound bridge would be required to accommodate lane relocation and to implement the grade-separated pedestrian underpass to the west.

Approximately 3.7 acres of Disturbed Diegan coastal sage scrub would be affected in the median between Ponto Drive and Avenida Encinas. This alternative would potentially disturb approximately 0.6 acre of Southern Coastal Salt Marsh in the median immediately north of the Los Batiquitos Lagoon bridges. In addition, the removal of the existing cypress trees in the median south of Avenida Encinas would be required.

This alternative would achieve the Vision Plan's objectives of providing expanded and enhanced beach access and would enable the establishment of a Southern Coastal Gateway to the City. In addition, landscape architecture that celebrates the historic past and horticultural heritage of the City could be applied to further enhance the roadway following re-alignment. With the additional available land created by re-aligning the roadway, this alternative would address the provision of public parks facilities through creation of a linear park for public use and recreation. This alternative would also achieve the goal of the SCCRA Redevelopment Plan to develop new beach and coastal recreational opportunities, and would result in the opportunity for potential expansion of the Carlsbad State Beach campgrounds and other recreational facilities, or development of cultural facilities or other public facilities. Lastly, this alternative would provide additional parking and open space amenities.

This alternative alignment for Carlsbad Boulevard would allow the project to meet objectives and goals established by the Ponto Vision Plan and SCCRA Redevelopment Plan. Therefore, this alternative was not rejected from consideration.

Alternative #3

Alternative #3 would relocate the southbound lanes of Carlsbad Boulevard to the east, freeing approximately 0.8 acre on the west side of Carlsbad Boulevard for a future public linear park. No realignment or improvements would occur north of Ponto Road. In addition, re-alignment of the northbound lanes to the west would create approximately 1.2 acres along the east side of Carlsbad Boulevard, north of Avenida Encinas, and 2.2 acres on the east side of Carlsbad Boulevard, south of Avenida Encinas. This acreage would be available for additional development or community amenities; refer to Figure 6-1A.

Approximately 3.7 acres of Disturbed Diegan coastal sage scrub in the median between Ponto Drive and Avenida Encinas would be impacted by Alternative #3. Potential disturbance to approximately 0.6 acre of Southern Coastal Salt Marsh within the median

immediately north of the Los Batiquitos Lagoon bridges would also occur with this roadway re-alignment. Similar to Alternative #1, this alternative would require the removal of cypress trees in the median south of Avenida Encinas.

Similar to the other alternatives, an additional 61 diagonal parking spaces and 48 parallel parking spaces would be created with relocation of the Carlsbad Boulevard. A less complex signal operation at Avenida Encinas, as compared to Alternative #1, would be required as a standardized intersection (i.e., no wide median) would be constructed.

This alternative would achieve the Vision Plan's objectives of providing expanded and enhanced beach access and would enable the establishment of a Southern Coastal Gateway to the City. In addition, landscape architecture that celebrates the historic past and horticultural heritage of the City could be applied to further enhance the roadway following re-alignment. With the additional available land created by re-aligning the roadway, this alternative would address the provision of public parks facilities through creation of a linear park for public use and recreation. This alternative would also achieve the goal of the SCCRA Redevelopment Plan to develop new beach and coastal recreational opportunities, and would result in the opportunity for potential expansion of the Carlsbad State Beach campgrounds and other recreational facilities, or development of cultural facilities or other public facilities. Lastly, this alternative would provide additional parking and open space amenities.

This alternative alignment for Carlsbad Boulevard would allow the project to meet objectives and goals established by the Ponto Vision Plan and SCCRA Redevelopment Plan. Therefore, this alternative was not rejected from consideration.

Alternative # 4

With Alternative #4, the northbound and southbound lanes of Carlsbad Boulevard between (proposed) Beach Way and Ponto Road would be re-aligned to the east to provide area for a linear public park to the west of the roadway; refer to Figure 6-1B. The existing lane configuration would not be changed with the roadway re-alignment (no additional lanes would be proposed). The re-alignment of Carlsbad Boulevard with Alternative #4 would be designed to connect with the roadway as recently improved with the Hanover Beach Colony development to the north.

To the south of Beach Way, Alternative #4 would re-align Carlsbad Boulevard to the east, consistent with the re-alignment proposed with Carlsbad Boulevard Re-alignment Alternative #1 (see description above). As such, to the south of Beach Way, Alternative #4 would result in the same impacts (and benefits), as those identified for Alternative #1, and are therefore not re-analyzed with this Alternative; refer to Table 6-2. Mitigation measures for Alternative #4 would also be the same as those required for Alternative #1 for the portion of the Carlsbad Boulevard to the south of Beach Way.

Overall, Alternative #4 would provide 61 parking spaces (60 degrees diagonal) and 48 parallel parking spaces for visitors to the State Beach. No existing parking would be removed with the proposed re-alignment.

As the onsite area through which Carlsbad Boulevard would be re-aligned to the north of Beach Way is currently developed and supports the existing frontage roadway, sensitive resources were not identified within this area. The roadway would be re-aligned wherein the northbound lanes would generally follow the alignment of the existing frontage road, and

therefore, construction would occur in an area that is presently disturbed. Therefore, no additional impacts to sensitive resources within this onsite area would result with this alternative. As with Alternative #1, the existing cypress trees within the median would be preserved. No additional significant impacts to other resources within the median were identified with this alternative; refer to Table 6-1. Therefore, potential impacts for this alignment would be approximately the same as the proposed project, and the same mitigation measures would be required.

This alternative would achieve the goal of providing expanded and enhanced beach access by freeing approximately 0.5 acre on the west side of Carlsbad Boulevard for use as a future public linear park, combined with the 0.8 acre created with Alternative #1. This alternative would also achieve the goals to integrate landscape architecture that would reinforce the historic past and horticultural heritage of the City, and would increase open space and parking amenities. In addition, Alternative #4 would allow for establishment of a Southern Coastal Gateway to the City.

As such, this alternative for the re-alignment of Carlsbad Boulevard would meet the majority of goals established for the Ponto Vision Plan and the SCCRA Redevelopment Plan. Therefore, this alternative was not rejected from consideration.

**Table 6-1
Comparison of Project Alternatives**

Impact Category	ALTERNATIVE DESCRIPTION									
	No Development	No Project	Increased Residential Use	Increased Residential Use / Open Space	Increased Townhomes / Single-Family Detached	Increased Townhomes / Visitor Use	Increased <u>Recreational Amenities / Green Space</u>	Carlsbad Re-alignment		
								Alternative 1	Alternative 3	Alternative 4
Air Quality	Lesser	Greater	Lesser	Similar	Similar	Similar	<u>Lesser</u>	Similar	Similar	Similar
Biological Resources	Lesser	Similar	Similar	Lesser	Similar	Similar	<u>Similar</u>	Lesser	Greater	Similar
Cultural Resources	Lesser	Similar	Similar	Lesser	Similar	Similar	<u>Similar</u>	Similar	Similar	Similar
Hazards	Lesser	Similar	Similar	Similar	Similar	Similar	<u>Similar</u>	Similar	Similar	Similar
Noise	Lesser	Greater	Similar	Lesser	Lesser	Lesser	<u>Similar</u>	Similar	Similar	Similar
Traffic	Lesser	Greater	Lesser	Lesser	Lesser	Lesser	<u>Lesser</u>	Similar	Similar	Similar
Visual	Lesser	Greater	Greater	Similar	Similar	Similar	<u>Similar</u>	Similar	Similar	Similar
Agricultural	Lesser	Similar	Similar	Similar	Similar	Similar	<u>Similar</u>	Similar	Similar	Similar
Geology and Soils	Similar	Similar	Similar	Similar	Similar	Similar	<u>Similar</u>	Similar	Similar	Similar
Hydrology/ Water Quality	Greater	Similar	Similar	Lesser	Similar	Similar	<u>Similar</u>	Similar	Similar	Similar
Land Use	Lesser	Similar	Greater	Greater	Similar	Similar	<u>Similar</u>	Similar	Similar	Similar
Public Utilities	Lesser	Greater	Greater	Greater	Lesser	Greater	<u>Similar</u>	Similar	Similar	Similar

*Alternative 2 not included because it is analyzed with the proposed project.

Table 6-2
Comparison of Carlsbad Boulevard Re-Alignment Alternatives

FACTOR	ALTERNATIVE 1	ALTERNATIVE 2	ALTERNATIVE 3	ALTERNATIVE 4
Additional Vacated Acreage Available for Other Uses	Creates 0.8 acres on west side of Carlsbad Boulevard, available for use as a public linear park.	Creates 2.0 acres on west side of Carlsbad Boulevard north of Avenida Encinas and 1.8 acres on west side of Carlsbad Boulevard south of Avenida Encinas, available for use as a public linear park or potential expanded use for the South Carlsbad State Beach Campground.	Creates 0.8 acres on west side of Carlsbad Boulevard, available to be used as a public linear park. Creates 1.2 acres on east side of Carlsbad Boulevard, north of Avenida Encinas and 2.2 acres on east side of Carlsbad Boulevard, south of Avenida Encinas, available for additional development or community amenities.	Creates 0.5 acres on west side of Carlsbad Boulevard, available for use as a public linear park. South of Beach Way: Creates 0.8 acres on west side of Carlsbad Boulevard, available for use as a public linear park.
Effect on Vegetative Communities	Approximately 3.0 acres of Disturbed Diegan coastal sage scrub to be affected in median between Ponto Drive and Avenida Encinas. Retains cypress trees in median south of Avenida Encinas.	Approximately 3.7 acres of Disturbed Diegan coastal sage scrub to be affected in median between Ponto Drive and Avenida Encinas. Potential disturbance to approximately 0.6 acres of Southern Coastal Salt Marsh in median immediately north of the Los Batiquitos Lagoon bridges. Removal of cypress trees in median south of Avenida Encinas.	Approximately 3.7 acres of Disturbed Diegan coastal sage scrub to be affected in median between Ponto Drive and Avenida Encinas. Potential disturbance to approximately 0.6 acres of Southern Coastal Salt Marsh in median immediately north of the Los Batiquitos Lagoon bridges. Removal of cypress trees in median south of Avenida Encinas.	Approximately 3.73 3.0 acres of Disturbed Diegan coastal sage scrub to be affected in median between Ponto Drive and Avenida Encinas. Retains cypress trees in median south of Avenida Encinas.
Parking	Provides 61 parking spaces (60 degree diagonal) and 48 parallel parking spaces.	Provides 61 parking spaces (60 degree diagonal) and 48 parallel parking spaces.	Provides 61 parking spaces (60 degree diagonal) and 48 parallel parking spaces.	Provides 61 parking spaces (60 degree diagonal) and 48 parallel parking spaces.

Table 6-2 continued

FACTOR	ALTERNATIVE 1	ALTERNATIVE 2	ALTERNATIVE 3	ALTERNATIVE 4
Traffic Signal Operations	More complex signal operation at Avenida Encinas due to width of median (longer time to make turning movements) but similar to existing condition.	Less complex signal operation at Avenida Encinas, due to standardized intersection (i.e., no wide median).	Less complex signal operation at Avenida Encinas, due to standardized intersection (i.e., no wide median).	<u>More complex signal operation at Avenida Encinas due to width of median (longer time to make turning movements) but similar to existing condition.</u> Less complex signal operation at Avenida Encinas, due to standardized intersection (i.e., no wide median).
Vehicular Bridges	Retains existing northbound bridge; requires new southbound bridge to implement the grade-separated pedestrian underpass to the west.	Retains existing northbound bridge; requires new southbound bridge to accommodate lanes re-location and to implement the grade-separated pedestrian underpass to the west.	Requires two new bridges – one northbound and one southbound.	Retains existing northbound bridge; requires new southbound bridge to accommodate lanes re-location and to implement the grade-separated pedestrian underpass to the west.

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Figure 6-1A
Carlsbad Boulevard Re-alignment Alternatives

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Figure 6-1B
Carlsbad Boulevard Alternatives

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Figure 6-2
Increased Residential Use Alternative

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Figure 6-3
Increased Residential Use / Open Space Alternative

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Figure 6-4
Increased Townhomes / Single-Family Detached Alternative

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Figure 6-5
Increased Townhomes / Visitor Use Alternative

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Figure 6-56
Increased Recreational Amenities / Green Space Alternative

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7.0 ANALYSIS OF LONG-TERM EFFECTS

7.1 Cumulative Impacts

Sections 15130 and 15065(c) of the *CEQA Guidelines* require the discussion of cumulative impacts when they are significant. The EIR is required to identify and discuss cumulative impacts that may result from the proposed project when considered with other closely related projects and reasonably foreseeable future projects.

The *CEQA Guidelines* define cumulative effects as “two or more individual effects that, when considered together are considerable, or which compound or increase other environmental impacts.” The Guidelines further state that the individual effects can be the various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects (*CEQA Guidelines* Section 15355). The Guidelines allow the use of two alternative methods to determine the scope of projects for the cumulative impact analysis:

List Method – A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the lead agency.

General Plan Projection Method – A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact (*CEQA Guidelines* Section 15130).

For purposes of this EIR, the List Method has been used; refer to Table 7-1. Existing and reasonably anticipated projects have been identified and are discussed in greater detail in terms of their potential to contribute to significant cumulative impacts, as part of the following subject-based analysis.

7.1.1 Specific Cumulative Projects

The area surrounding the Ponto site is largely built-out, limiting the number of proposed projects that would contribute to cumulative project impacts, due to proximity to the project development area. Five individual projects were identified and considered for the cumulative impact analysis and are in varied stages of planning and development. Information regarding these projects was collected with assistance from the City and from active applications filed with the City Planning Department. Specific projects encompassed within this cumulative analysis are shown in Figure 7-1 and listed in Table 7-1.

Hotel Project - City of Encinitas (99-001; 04-268; 93-172)

The hotel project involves the consolidation of four existing lots into one parcel of approximately 4.3 acres. The project site is located directly to the south of the Ponto Beachfront Village site, across Batiquitos Lagoon, in the City of Encinitas. The project requires a major use permit (MUP) to allow for development of a 130-room hotel with a 200-seat restaurant and lounge area, meeting rooms, and an administrative/service area for a total floor area of approximately 122,540 square feet. A total of 229 parking spaces are also

proposed. An EIR was approved for the project by the Encinitas City Council on January 22, 1992.

Poinsettia Single-family Residential (CT-5-10)

This project proposes the subdivision of approximately 5.0 acres into 29 single-family residential lots, two open space lots, and one driveway lot. The project site is located to the northeast of the Ponto Beachfront Village site, east of Interstate 5 along Poinsettia Lane. A Mitigated Negative Declaration (MND), dated May 2, 2006, and a Notice of Declaration (NoD), dated May 19, 2006, have been issued for the project.

Calvary Chapel (CUP 04-05)

The Calvary Chapel project is located on an approximately 27-acre site, located to the northeast of the Ponto Beachfront Village project site, across Interstate 5 at the northeast corner of Aviara Parkway and Poinsettia Lane. The project proposes a 13-acre church campus, supporting a 49,000 sq. ft. multi-purpose building and family center (maximum capacity 1,800 persons). Uses proposed as part of the church campus include a 19,000 sq. ft. two-story preschool (150 students), 4,000 sq. ft. chapel building, 7,000 sq. ft. gymnasium, 3,000 sq. ft. youth building, and 6,000 sq. ft. adult education building. Approximately 1,050 parking spaces will be provided to support the facilities. A MND, dated September 20, 2005, and a NOD, dated January 11, 2005, have been issued for the project.

Bressi Ranch (CT 02-14; CT 02-15; CT 03-03; CT 02-19)

The Bressi Ranch project site is approximately 585.1 acres in size and is located to the northeast of the project site, east of Interstate 5 and along Palomar Airport Road. The project site is divided into a northern and a southern portion and will ultimately include development of 15 planning areas and six open space areas. The northern area (approximately 150.3 acres) will involve development of five industrial lots; the southern area (approximately 434.8 acres) will include development of seven residential lots, one industrial lot, one mixed-use lot, one community facility lot, and six open space lots. A Master Plan EIR was approved for the project on July 23, 2002. Portions of the project are currently either built or under construction, while other areas remain unbuilt.

La Costa Town Square Project (CT 01-09)

The La Costa Town Square project site is approximately 81 acres in size, located to the southeast of the Ponto Beachfront Village project site, near the northeast corner of La Costa Drive and Rancho Santa Fe; refer to Figure 7-1. The project proposes a mixed-use retail/commercial/office/residential development. The project will result in the development of 131 residential units, 80,000 sq. ft. of industrial space, and 380,000 sq. ft. of commercial space. Approximately 5.7 acres will be protected as onsite open space. An EIR is currently pending for the project.

Shoreline Resort – City of Encinitas (00-201)

The Shoreline Resort project is 26-unit timeshare/hotel development and associated site improvements on 1.81 acres. The property is zoned Visitor-Serving Commercial and is located within the North 101 Corridor Specific Plan within the City of Encinitas. The project

is located south of the proposed project site and Batiquitos Lagoon on the northeast corner of Highway 101 and La Costa Avenue. The project requires a Major Use Permit, Design Review Permit, and a Coastal Development Permit. The development will construct a limited term occupancy 26-unit timeshare and hotel. A minimum of seven units are reserved as exclusive use hotel units. An Environmental Impact Report was certified by the City of Encinitas on September 1, 2005.

Coral Cove Tentative Map – City of Encinitas (03-090)

The Coral Cove project is a subdivision of approximately 10 acres into 69 residential lots (39 detached single-family and 30 attached single-family) through a density bonus and a Planned Residential Development, Major Use Permit, Design Review Permit, and a Coastal Development Permit. An EIR was certified by the City of Encinitas on June 1, 2006.

7.1.2 Air Quality

7.1.2.1 Cumulative Construction Emissions

The San Diego Regional Air Quality Strategies (RAQS) establish an “emissions budget” for the San Diego Air Basin. This budget takes into account existing conditions, planned growth based on the general plans of cities within the San Diego Association of Governments (SANDAG) region, and air quality control measures implemented by the San Diego Air Pollution Control District (SDAPCD).

With respect to the project’s construction-period air quality emissions and cumulative Basin-wide conditions, the SDAPCD has developed strategies to reduce criteria pollutant emissions outlined in the RAQS pursuant to FCAA mandates. As such, the proposed project would comply with all feasible mitigation measures. In addition, the proposed project would comply with adopted RAQS emissions control measures. Per SDAPCD rules and mandates as well as the CEQA requirement that significant impacts be mitigated to the maximum extent feasible, these same requirements (i.e., fugitive dust compliance, the implementation of all feasible mitigation measures, and compliance with adopted RAQS emissions control measures) would also be imposed on construction projects Basin-wide, which would include each of the related projects mentioned above.

Although compliance with SDAPCD rules and regulations would reduce construction-related impacts, the project-related construction emissions have been concluded to be significant and unavoidable. Thus, it can be reasonably inferred that the project-related construction activities, in combination with those from other projects in the area would deteriorate the local air quality and lead to cumulative construction-related impact. Therefore, even with the implementation of Mitigation Measures AQ-1 through AQ-5 given in Section 5.1, a significant and unavoidable cumulative construction air quality impact would result.

7.1.2.2 Cumulative Long-Term Impacts

The SDAPCD classifies cumulative impacts as direct and indirect project emissions. If a project-related air quality impact is individually less than significant, the impacts of reasonably anticipated future activities, probable future projects, and past projects are included based on similar air quality impacts, transport considerations and geographic location. Currently the SDAPCD’s approach towards assessing cumulative impacts is based on the fact that the SDAPCD Regional Air Quality Strategy forecasts attainment of ambient

air quality standards in accordance with the requirements of the CCAA, which takes into account the SANDAG forecasted future regional growth. Although it has been shown that the project would be consistent with RAQS and the RCP, the project would still exceed the SDAPCD regional thresholds of significance for ROG and PM₁₀, which are regional transport pollutants and ozone precursors. As a result, the proposed project in combination with other reasonably foreseeable projects could lead to periodic exceedances of the Ambient Air Quality Standards. Therefore, the proposed project would result in a significant and unavoidable cumulatively significant impact.

7.1.3 Biological Resources

As shown on Table 5.2-5, the implementation of the proposed project would significantly impact approximately 3.14 acres of three sensitive vegetation communities (southern willow scrub, southern coastal bluff scrub [including disturbed], and Diegan coastal sage scrub [including disturbed]). In addition, the proposed project would impact 22.7 acres of vegetation communities that are not sensitive but require mitigation (eucalyptus woodland and disturbed habitat).

In addition to significant biological resource impacts associated with the proposed project, the biological resources analysis for the Ponto Vision Plan analyzed potential cumulative impacts resulting from the ~~five-seven~~ development projects identified within the cumulative study area (City of Encinitas Hotel Project, Poinsettia Single-family Residential, Calvary Chapel Project, Bressi Ranch, ~~and~~ La Costa Town Square Project, Encinitas Beach Hotel, and Coral Cove Tentative Map). One project, Poinsettia Single-family Residential, was determined not to result in significant impacts to biological resources, given that the site was previously impacted in conjunction with the surrounding residential development. The remaining ~~four-six~~ cumulative projects would result in significant, but mitigable, impacts to biological resources.

~~Two-Three~~ of the five cumulative projects would result in impacts to ~~416.0417~~ acres of vegetation communities requiring mitigation, including 0.08 acre of southern willow scrub, ~~30.931~~ acres of Diegan coastal sage scrub (including disturbed), and 385.0 acres of disturbed habitat; refer to Table 7-2. These impacts would be significant, but mitigable.

The proposed project would significantly impact 0.04 acre of southern willow scrub, which represents 33.3 percent of the currently assessed cumulative impacts. The proposed project would impact 0.1 acre of southern coastal bluff scrub (including disturbed) and 0.3 acre of eucalyptus woodland, which represents 100 percent of the currently assessed cumulative impacts for both habitats. The proposed project would significantly impact 1.2 acres of Diegan coastal sage scrub (including disturbed), which represents 3.7 percent of the currently assessed cumulative impacts. The proposed project would significantly impact 21.1 acres of disturbed habitat, which represents 5.2 percent of the currently assessed cumulative impacts. Because the proposed project would fully mitigate for its impacts to these habitats, cumulative impacts would not be significant.

All projects are required to mitigate for impacts to sensitive vegetation communities pursuant to the Natural Communities Conservation Planning program (NCCP). All impacts would be fully mitigated. As such, the proposed project together with the five cumulative projects would not have a significant impact on vegetation communities; refer to Table 7-2.

Of the ~~five-seven~~ cumulative projects, two projects would result in significant or potentially significant but mitigable impacts to biological resources. The proposed project and other projects being proposed or constructed in the area would be required to comply with regional planning efforts (i.e., NCCP) intended to address cumulative impacts to sensitive plant and animal species, as well as the habitats in which they occur. The proposed project would provide mitigation for impacts to sensitive habitats consistent with these plans. As a result, the proposed project would result in less than significant cumulative impacts to sensitive biological resources.

Therefore, the Vision Plan is not anticipated to contribute to a cumulative impact related to biological resources.

7.1.4 Cultural Resources

Land within the immediate area surrounding the project site is generally built-out. With the development of the five identified cumulative projects, the potential for an increase in impacts on archaeological sites in the City would occur, as grading and construction activities would result in disturbance to the lands.

According to CEQA, the importance of cultural resources comes from the research value and the information they contain. Therefore, the issue that must be explored in a cumulative analysis is the cumulative loss of that information. For sites considered less than significant, the information is preserved through recordation and test excavations. Significant sites that are placed within open space easements would avoid impacts to cultural resources while preserving the data. Significant sites that are not placed within open space easements would preserve the information through recordation, test excavations, and data recovery programs that would be presented in reports and filed with the City of Carlsbad and the South Coastal Information Center (SCIC). The artifact collections from any potentially significant site would also be curated at the San Diego Archaeological Center and would also be available to other archaeologists for further study.

The cultural resources analysis for the Ponto project indicated that, as significant cultural sites have been identified on the project site, additional significant cultural resources may be located within the City of Carlsbad. Disturbance of and construction on the currently vacant portions of the site have the potential to affect cultural resources in the site vicinity, potentially leading to a significant cumulative loss of such resources in the area. As development of the ~~five-seven~~ projects identified for the cumulative analysis occurs in the future, landowners would be required to complete a site review and technical studies, as appropriate, to identify potentially significant cultural resources sites and provide proper mitigation to reduce impacts to less than significant. The proposed project's potential impacts to cultural resources would be mitigated to below a level of significance through establishment of a grading monitoring program, and all sites identified within the project footprint would be recorded. To reduce potential impacts on cultural resources located on the cumulative projects sites, mitigation measures, such as open space easements, and/or monitoring during grading activities, would be required to reduce impacts to less than significant. Therefore, because the impacts resulting from the proposed project and those projects within the cumulative impact study area would be mitigated to less than significant, the proposed project would not cumulatively contribute to a significant impact on cultural resources.

7.1.5 Hazardous Materials and Hazards

Continued future development, both on vacant and redeveloped lands, within the City of Carlsbad has the potential to result in the discovery of or human exposure to hazards or hazardous materials. With consideration of the ~~five-seven~~ project sites considered for the cumulative analysis, preparation of Phase I Environmental Site Assessments would be required, as applicable, to identify hazardous conditions on the properties and to determine the potential for significant human health risk or hazardous conditions (i.e., contaminated soils or risk of wildfire). Additional assessment in the form of a Phase II analysis may also be required, if materials or conditions onsite are determined to pose substantial hazardous risk. Mitigation in the form of site remediation would be required as necessary to mitigate the potential impact as the result of each development project. In addition, a change in ownership of any of the ownerships would require identification of hazardous materials and conformance with the applicable federal, state and local regulations for the clean-up of such materials or conditions. As a result, implementation of the Ponto Vision Plan, with consideration for the other cumulative projects, is not anticipated to contribute to a significant cumulative impact related to hazards or hazardous materials.

7.1.6 Noise

Of the other ~~five-seven~~ related projects that have been identified within the project study area, the Applicant has no control over the timing or sequencing of related projects, and as such, any quantitative analysis to ascertain the daily construction emissions that assumes multiple, concurrent construction would be speculative. Construction-related noise for the proposed project and each related project would be localized. In addition, it is likely that each of the related projects would have to comply with the local noise ordinance, as well as mitigation measures that may be prescribed pursuant to CEQA provisions that require significant impacts to be reduced to the extent feasible. Thus, as construction noise is localized in nature and drops off rapidly from the source, a significant cumulative construction-related noise impact would not result. Mitigation measures given Section 5.5 would ensure that cumulative noise impacts from project construction do not result.

With regard to stationary sources, the major stationary sources of noise that would be introduced in the Vision Plan Area by related projects would include rooftop equipment, loading docks, and residential activities. Since these projects would be required to adhere to City of Carlsbad noise standards, all the stationary sources would be required to provide shielding or other noise abatement measures so as not to cause a substantial increase in ambient noise levels. As such, it is not anticipated that a significant cumulative increase in permanent ambient noise levels would occur and the impact would be less than significant. Consequently, the proposed Vision Plan's contribution to cumulative stationary noise impacts is not considered to be cumulatively considerable.

7.1.7 Traffic and Circulation

The cumulative impact analysis forecasts the traffic impacts in an area resulting from the proposed project when considered with other related past, present, and reasonably foreseeable probable future projects.

The North County Subarea Model, which is based on the SANDAG Series 10 model, was used for the Near Term 2010 Analysis to identify the project's potential for significant

cumulative impacts. Average Daily Traffic volumes produced by the traffic model were post-processed to forecast peak hour intersection turning movement volumes and peak hour roadway segment volumes. In the vicinity of the new roadways, turns reports produced by the traffic model were reviewed to identify potential changes in traffic patterns with the opening and/or extension of new roadways. The Subarea model assumes the full buildout of the roadway network identified in the City's Circulation Element by the year 2030, which assumes the following major transportation improvements to be in place in the City of Carlsbad in the near term (prior to 2010):

- Extension of El Fuerte from Palomar Airport Road to Faraday Avenue (2007);
- Construction of Faraday Avenue from El Camino to Melrose Drive (2007); and,
- Completion of Poinsettia Lane (2010).

Under the 2010 analysis, two scenarios were analyzed. The first scenario analyzed 2010 traffic without the land uses proposed by the Vision Plan. For this scenario, it was assumed that the Ponto Area would be developed with uses as defined by the existing General Plan land use designations for the site. The Ponto Area would generate between 12,708 and 15,408 daily trips if developed under the existing General Plan land use designations. Based on a trip distribution and assignment model, peak hour traffic volumes and average daily trip volumes were calculated for the study area intersections and street segments for this scenario (2010 Without Vision Plan). The results are provided on Figures 7-2, 7-4, and 7-5.

The second scenario analyzed 2010 traffic with the land uses proposed by the Vision Plan. The land uses proposed by the Vision Plan would generate approximately 15,161 trips. Based on a trip distribution and assignment model, peak hour traffic volumes and average daily trip volumes were calculated for the study area intersections and street segments for this scenario (2010 with Vision Plan). The results are provided on Figures 7-3, 7-6 and 7-7.

For both scenarios, the LOS for the study area intersections was analyzed using the delay-based 2000 Highway Capacity Manual (HCM) Operations methodology. This methodology is described in detail in the Traffic Analysis provided in Appendix G. The results are discussed below.

Intersection Operations

Table 7-3 summarizes the results of the Near-Term (2010) analysis for both scenarios (Without Vision Plan and With Vision Plan). As illustrated on Figures 7-4 through 7-7, most intersections would operate at an acceptable (LOS A or B) or marginal LOS (LOS C or D) in the year 2010 under both scenarios (Without the Vision Plan and With the Vision Plan). The following four intersections are forecast to operate at deficient ("failing") LOS (LOS E or F) without or with the Vision Plan:

- Palomar Airport Road / El Camino Real;
- Palomar Airport Road / El Fuerte Street;
- La Costa Avenue / North Coast Highway 101;
- La Costa Avenue / Vulcan Avenue, and,
- La Costa Avenue / El Camino Real.

To determine if the Vision Plan's contribution to the above impacts are significant, the following threshold applies:

- When an intersection or roadway segment is operating at deficient service levels, the addition of trips generated by the proposed land use in the Vision Plan results in an increase in delay of more than 2.0 seconds when compared to the Without Vision Plan condition.

Impacts T-1 and T-2 The traffic generated by implementation of the Vision Plan would not result in a change in delay of more than 2.0 seconds at the above intersections, with the exception of the intersections at La Costa Avenue/North Coast Highway 101 and La Costa Avenue/Vulcan Avenue, when compared to the 2010 Without the Vision Plan analysis; refer to Table 7-3. Therefore, this would be considered a significant impact and mitigation would be required.

Street Segments

The peak hour roadway segment analysis determined the LOS of the street segments within the study area (for the Without the Vision Plan and With the Vision Plan scenarios) by calculating volume-to-capacity ratio (V/C) of the street segments. The V/C of a street segment is calculated by dividing the peak hour traffic volume (or average daily traffic volume) of the street segment by the peak hour capacity (or daily capacity) of the street segment. The following V/C ratios determine the LOS of the street segment:

- V/C of 0.00 to 0.60: LOS A
- V/C of 0.61 to 0.70: LOS B
- V/C of 0.71 to 0.80: LOS C
- V/C of 0.81 to 0.90: LOS D
- V/C of 0.91 to 1.00: LOS E
- V/C over 1.00: LOS F

Peak Hour Street Segments

The results of the 2010 Peak Hour Segment Analysis are provided in Table 7-4. Based on the road segment capacities identified in the City of Carlsbad's Circulation Element, all future roadway segments are forecast to operate at an acceptable LOS (LOS D or better) during the peak hours under both 2010 scenarios (Without the Vision Plan and With the Vision Plan). Therefore, peak hour impacts to the street segments would be considered less than significant.

Mitigation Measures

Mitigation Measures T-1 through T-2 (refer to Section 5.6.4) would mitigate the Vision Plan's contribution to cumulative intersection impacts that would occur under the year 2010 analysis.

7.1.8 Grading and Aesthetics

Over time, development of the project site would ultimately change the visual character of the existing conditions, as the property stands largely undeveloped. Short-term impacts would result from grading and construction on the site, and would convert the natural setting into a built environment, similar to the developed lands adjacent to the property. However, the Vision Plan provides design guidelines to reduce potential visual impacts and to ensure an adhesive visual character that would respect the site's location along the scenic corridor. In addition, development would occur consistent with the City's Scenic Corridor Guidelines, zoning and General Plan designations, coastal development restrictions, and other applicable development standards, policies and regulations to reduce potential visual impacts to less than significant. Project-specific visual impacts were not identified for the development that would result with implementation of the Vision Plan. In addition, all cumulative projects would require City of Carlsbad or City of Encinitas review for determination of conformance with applicable policies and regulations, pertaining to visual resources, including consistency with the General Plan. Therefore, future development associated with the Vision Plan is not anticipated to contribute to a cumulative visual impact related to grading or aesthetics.

7.1.9 Agricultural Resources

Several large-scale agricultural operations are active within the City of Carlsbad. The Flower Fields and the strawberry fields also represent agricultural activities, with other smaller-scale operations within the city limits on individual properties, providing produce and other agricultural products for commercial sale.

Development within both the City of Carlsbad and the County of San Diego will continue to result in the conversion of agricultural lands to urban uses in the future. Although agricultural activities occurred on the project site, the development area is no longer actively used for such operations. Therefore, development of the project site would not remove such activities from the County's agricultural operations or resources. In addition, the project would not convert land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as identified by the California Department of Conservation, as no such lands have been identified onsite. Although agricultural lands may be converted with the cumulative projects considered, the conversion of such lands to an urban use reflects the general trend within the City and the region, largely due to economic and social influences. The City's General Plan and General Plan EIR recognize this condition and account for such impacts with the intent that agricultural lands be used for such purposes as desired until planning for alternative uses is applicable. Therefore, project impacts are not considered to be cumulatively considerable by impeding existing or future agricultural uses within the City of Carlsbad or the surrounding region.

7.1.10 Geology and Soils

Cumulative development would result in the potential for exposure of a greater number of people to geologic conditions where the risk to human health may be increased (i.e., earthquakes). Due to location and distance from the project site, development of the projects considered in the cumulative analysis in combination with development of the project site would not create a cumulatively considerable geologic hazard, such as an increased risk of mudslides or unstable slopes. Hazardous geologic conditions would be addressed through

project-specific review, both on the project site and on the cumulative projects sites, thereby reducing potential impacts to less than significant through applicable engineering and grading applications. Implementation of the Vision Plan is therefore not considered to contribute to a significant cumulative impact relative to geology or soils.

7.1.11 Hydrology/Water Quality

The Ponto development area lies within the San Marcos hydrologic area of the Carlsbad Hydrographic Unit. Receiving waters for the project site are the Batiquitos Lagoon and the Pacific Ocean.

The design of individual projects within the project development area would not significantly alter drainage patterns downstream of the site within the watershed. While runoff patterns would be altered by the construction of curbs, streets, and other improvements, these changes would occur within the project area limits. As a result, existing drainage facilities within the watershed or another watershed would not be adversely affected by a significant change in drainage patterns. Therefore, the proposed project is not considered to result in a significant cumulative impact to hydrologic conditions.

In addition, the proposed offsite improvements within Carlsbad Boulevard would allow flows to continue downstream as under existing conditions. The proposed road relocation would not substantially increase peak discharges, substantially increase the runoff coefficient, or decrease the time of concentration. Thus, hydrologic conditions would not be adversely impacted by the road widening improvements required with the proposed project. Therefore, the project is not anticipated to contribute to a cumulative considerable impact to hydrology as the result of offsite roadway improvements.

Implementation of the proposed project, in addition to cumulative projects in the surrounding area, would result in an increased amount of soil disturbance and increased impervious surfaces within the cumulative study area. This could potentially result in increased erosion, runoff, flooding hazards, and pollutant concentrations within the watershed. BMPs for the proposed project would reduce potentially significant project level drainage/hydrology impacts to less than significant. The change in land use and associated increase in the runoff from impervious surfaces, along with the addition of drainage facilities, is not anticipated to create a cumulatively considerable impact to existing hydrologic conditions.

All approved or future developments considered in the cumulative analysis, including the proposed project, would also be required to implement BMPs to reduce potential water quality impacts to less than significant, consistent with the City's Jurisdictional Urban Runoff Management Plan (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP) requirements. The combination of proposed construction and post-construction BMPs would reduce, to the maximum extent practicable, the expected pollutants and would not adversely impact the beneficial uses or water quality of the receiving waters within the watershed. As a result, no cumulatively considerable water quality impacts are anticipated for the projects considered, in combination with development of the proposed project.

7.1.12 Land Use

The area surrounding the project site is largely built out, with little vacant land remaining for potential new development. Land uses proposed for the project development area would be

consistent with that intended by the General Plan. Future development within the City would also be required to demonstrate consistency with the General Plan, Growth Management Plans, and other regulations intended to guide growth within the City in the future. Consistency with these plans and regulations would ensure that such projects did not contribute to a cumulative impact related to land use. As such, development of the project area is not considered to contribute to a significant cumulative land use impact.

7.1.13 Population and Housing

As required, the proposed project would be consistent with the goals and policies of the City's Growth Management Plan and LFMPs (for applicable Zones 9 and 22). Similarly, all existing and future development is required to demonstrate consistency with these Plans to guide future growth and the provision of public facilities and services within the City. Conformance with these Plans and continued review and updates by the City to ensure that development occurs as planned would reduce impacts to population and housing caused by uncontrolled growth or insufficient facilities or services to less than significant. Therefore, implementation of the Vision Plan is not anticipated to contribute to a cumulative impact related to housing or population.

7.1.14 Public Services and Utilities

As with future development within the City of Carlsbad, development of the project site would result in an incremental increase in the demand for public utilities and services. Although the area surrounding the Ponto development area is largely built out, population within the City will continue to grow in the future, thereby increasing the demand for public services such as police and fire protection, as well as utilities such as water and electrical power; however, all future development within the City would be required to be consistent with the applicable LFMP as part of the City's Growth Management Program. As such, public services and utilities would be adequately provided for within each LFMP zone, and as applicable to the projects considered in the cumulative analysis, thereby reducing potential impacts on such resources. All existing and future development would be required to pay fees as appropriate for such services to provide a financial mechanism for construction or service, thereby ensuring that such services and facilities are adequate at the time of development. As the project development area and the other projects considered in the cumulative analysis would be consistent with the measures of the appropriate LFMPs, cumulative impacts on public services and facilities would be less than significant.

7.1.15 Recreation

Development of the project site would result in an increase in both permanent and transient population in the project area, thereby increasing the demand for provision of recreational services. However, development of the site would occur consistent with the LFMPs prepared for Zones 9 and 22 for the provision of parks. The Vision Plan also envisions an approximate four-acre linear park with picnic tables and benches with views to the ocean for recreational purposes. Other recreational amenities include a wetland interpretive park, nature/arts center, and numerous trails and pathways, in addition to the amenities provided by the hotels and resort services. Improvements for parking and access are also planned to improve recreational opportunities provided by South Carlsbad State Beach. As a result of the land

uses proposed, implementation of the Ponto Vision Plan is not anticipated to contribute to a significant cumulative impact on recreational resources.

7.2 Growth Inducing Impacts

As required by State CEQA Guidelines (Section 15126.2(d), consideration of growth-inducing impacts resulting from the project is required as part of the EIR analysis. Growth inducement is defined according to CEQA as, "...ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

Induced growth is any growth that exceeds planned growth and results from new development that would not have taken place without the implementation of the proposed project. Typically, the growth inducing potential of a project would be considered significant if it results in growth or population concentration that exceeds those assumptions included in pertinent master plans, land use plans, or projections made by regional planning authorities.

Implementation of the Ponto Beachfront Village Vision Plan would not remove any barriers to growth that would otherwise preclude development if the proposed uses were not to be developed. The project site is located adjacent to established residential neighborhoods. Although the majority of the Ponto site is largely vacant, infrastructure (water, sewer, and electric utilities) currently extend to the site and are available to serve the proposed uses. Therefore, no major extension of infrastructure would be required to serve the Ponto development area, although improvements are proposed. The minor extension of infrastructure into the project site as necessary to serve areas that are currently vacant would not open up any new lands near the Ponto site for development, as areas adjacent to the Ponto site are already built-out and are served by public sewer, water and other utility systems.

The resulting development proposed by the Ponto Vision Plan would be consistent with growth patterns anticipated by the City of Carlsbad General Plan for the area. The uses proposed would be consistent with the City General Plan and Growth Management Program, and would conform to the goals and policies of the Local Facilities Management Plans (Zones 9 and 22) for infrastructure improvements and public services, such as educational facilities and recreational amenities, and would thereby not represent an increase in the number of dwelling units or population above that anticipated. ~~As stated previously, the Vision Plan would reduce the density and the overall number of proposed units as compared to that allowed under the existing General Plan designations, thereby reducing potential growth assumed for the area in the LFMPs.~~

Implementation of the Vision Plan would result in the development of the project site with hotels, timeshare units, and residential units, in addition to commercial retail and recreational amenities. As the hotel and timeshare units would support a transient population, rather than a permanent long-term demand for housing, these uses would not be considered to directly result in an increase in dwelling units for people residing in the area. The Vision Plan would generate short-term employment opportunities over time during the construction phase on individual properties, and long-term employment opportunities during the operations phase in the proposed resort and commercial uses; however, this level of development and type of use (visitor/commercial) is not expected to directly or indirectly result in a significant increase in population in the area, nor a significant increase in the demand for housing.

Therefore, implementation of the Vision Plan would not result in a direct or indirect growth-inducing impact.

7.3 Significant Irreversible Environmental Changes

As required by CEQA Section 15126.2(c), the consideration for the Ponto Beachfront Vision Plan to result in the potential use of non-renewable resources during both the project construction phase and the long-term occupancy and operational phases. Non-renewable resources may include energy; gravel; sand; lumber or other wood products; water; fossil fuels; metals; and, petrochemical construction materials. Construction activities within the Ponto development area, as well as during the future operation of the proposed uses, would contribute to an incremental consumption of these resources both locally and regionally. In addition, the development of land within the Ponto Vision Plan development area would be consistent with the City's plans for growth and development, as referenced in the adopted policies and goals of the General Plan and the LFMPs. Therefore, the consumption of these resources is not anticipated to result in a significant degradation or destruction of sensitive natural resources.

7.4 Unavoidable Significant Environmental Impacts

The proposed project would not result in an unavoidable long-term significant environmental impact to air quality. As development of the project site would add project traffic to the circulation system, an increase in air quality emissions would occur. As the San Diego Air Basin is in non-attainment for state air quality standards for O₃ and PM₁₀, the project would contribute emissions to an existing air quality violation. This significant impact would occur over the long-term, as technology is not available to reduce future vehicular operations and resultant air pollutants to a less than significant level.

Refer to the analysis included in Chapter 5.0 of this EIR for discussion of significant impacts resulting from the project.

7.5 Effects Found Not to be Significant

7.5.1 Effects Found Not to be Significant as Part of the EIR Process

Based on the analysis given in Chapter 5.0 of this EIR, the proposed Ponto Beachfront Village Vision Plan would not result in significant impacts for the areas of Grading and Aesthetics; Agricultural Resources; Geology/Soils; Hydrology/Water Quality; Land Use; Population and Housing; Utilities and Public Services; and Recreation.

7.5.2 Effects Found Not to be Significant During the Initial Study

Effects found not to be potentially significant as part of the Initial Study and EIR scoping process include: Energy and Mineral Resources, Population and Housing, and Recreational Facilities, and therefore, were not included in the analysis in Section 5.0. Refer to the Initial Study provided in Appendix A of this EIR for a discussion of potential impacts found not to be significant during the initial EIR scoping process.

7.5.2.1 Energy and Mineral Resources

Future development of the Ponto area would require the consumption of energy during the construction phase, as well as during occupancy and operation of the proposed uses. Energy use for the area would consist of that typical of similar uses and would include electricity, oil, petroleum and other non-renewable resources. All future construction would be required to comply with Title 24 of the California Administrative Code, which establishes energy conservation requirements for new construction. Significant sources of non-renewable energy resources or known mineral resources of value to the City, region or state have not been identified within the City of Carlsbad, and therefore, future development of the project site would not result in the loss or decreased availability of such resources. Therefore, implementation of the Vision Plan is not anticipated to result in significant impacts to energy or mineral resources.

7.5.2.2 Population and Housing

As described in Section 5.11, Land Use and Planning, as part of the City's Growth Management Program (GMP) and consistent with Chapter 21.90 of the City Zoning Ordinance, the City has been divided into 25 subareas, or zones, to guide the provision of facilities at a detailed level and to ensure that services and facilities will be adequately provided for existing and future development. Local Facilities Management Plans (LFMPs) address future growth and the future demand on public services and facilities. Preparation of a LFMP is required for each zone to implement the GMP by phasing development and the provision of public facilities, consistent with the GMP performance standards. The Ponto Vision Plan area is located within Zones 9 and 22 of the City's Local Facilities Management Plans; refer to Figure 5.12-1. Future development proposals within the Ponto development area would be required to demonstrate that proposed facilities are consistent with the appropriate LFMP or propose amendments to the LFMP to ensure that public facilities and services are adequately provided to serve the development.

The GMP limits the number of residential building permits that can be issued throughout the city to a maximum of approximately 54,600 dwelling units at buildout. The proposed project is within the Southwest Quadrant of the City, which allows for a maximum total of 12,859 dwelling units at buildout. This maximum number of units cannot be changed, unless approved by public vote.

The Zone 9 LFMP, originally adopted in 1989, anticipated the buildout development capacity of the Zone to be 910 dwelling units and approximately 1,092,200 square feet of non-residential use. The 1993 LFMP amendment reflected the adoption of the Poinsettia Shores Master Plan and revised the projected number of residential dwelling units to 1,023, or an additional 113 units as allowed by the City of Carlsbad Density Bonus Ordinance. Projected non-residential uses were reduced to 178,600 square feet and 220 timeshares/hotel units.

The Zone 22 LFMP, originally adopted in 1988, projected residential buildout at 1,472 dwelling units and 970,952 square feet of non-residential development. With the 1997 LFMP amendment, which reflected the adoption of the Poinsettia Shores Master Plan, the number of projected dwelling units was revised to 1,426. Non-residential uses were increased to 1,001,436 square feet.

The adopted City of Carlsbad General Plan designates a mixture of uses for the project development area, which include travel, recreation, commercial, neighborhood commercial, and residential uses, ~~under the existing land use designations.~~ With implementation of the Vision Plan, the uses proposed would remain consistent with the type of development envisioned for this area under the current land use designations. ~~As proposed under the Vision Plan, the 50-acre development area would be developed at a reduced density as compared to that which is currently allowed, thereby creating a corresponding reduction to population projections within the southwest quadrant of the City.~~

Through the GMP, the City actively monitors development activity to assure compliance with the Growth Management Plan and ensure that adequate facilities and services are available for the City's residents as the population continues to grow. Monitoring techniques include subdivision review; monthly development monitoring reports (residential and non-residential building permit activity); traffic monitoring reports; annual reporting on performance measures for growth management and capital projects to City Council; annual evaluation of individual capital improvement projects; an excess dwelling unit bank to control residential development; and, construction updates for public and private projects.

Performance standards for future growth are established in the City's Growth Management Plan and address eleven public facilities, of which eight are provided by the City of Carlsbad and three are provided in part by other agencies. These standards allow the City to control future development and to estimate future demand for public facilities and services, as well as to plan for the construction of such facilities. City approval of proposed development requires that the applicant demonstrate consistency with the performance standards established for the zone.

Implementation of the project would not remove any barriers to growth that would otherwise preclude development if the project were not to be developed. The proposed project would involve minor construction, extension, or relocation of existing utilities to serve the project site. As surrounding neighborhoods to the north and east are built out and currently receive public water and sewer services, provision of these services to the project site would not provide increased capacity beyond existing conditions that would allow for the construction of a number of residential units that may not be anticipated by the General Plan and zoning designations because of the increased capacity. Therefore, impacts due to population growth due to the provision of utilities for development of the project site would be less than significant.

~~As stated above, implementation of the Vision Plan would result in a reduction in the number of residential units and resulting population from that anticipated for in the approved LFMPs for Zones 9 and 22.~~ As discussed in Section 5.12, Public Services and Utilities, implementation of the Vision Plan would not adversely impact planned or current levels of service for public facilities such as sewer, water, open space, parks, libraries, or fire or police protection, as the Plan would be consistent with (or lower than) the number of dwelling units planned for the area in the LFMPs. As a result, implementation of the Vision Plan would not significantly impact the planned residential unit count, population, or growth patterns intended for the project development area, or place an unanticipated demand on public facilities or services.

Therefore, implementation of the Vision Plan is not anticipated to induce substantial population growth of the area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure), as growth and provision of facilities and services would occur consistent with that projected for the area. Development within the proposed Ponto ~~development area~~ Area would therefore be in conformance with the City General Plan, Zoning Ordinance, Growth Management Plan, LFMPs 9 and 22, and the South Carlsbad Coastal Redevelopment Area Plan, as well as other applicable goals and policies pertaining the future growth and development.

Development of individual properties on the project site with the proposed residential, commercial, and recreational uses would generate short-term employment opportunities during the construction phase and long-term employment opportunities during the operations phase; however, this level of development and type of uses is not expected to directly or indirectly result in a significant increase in population in the area, nor a significant increase in the demand for permanent housing. Therefore, impacts ~~to~~ on area population growth would be less than significant.

In addition, the Vision Plan is intended to serve as a guide for redevelopment of the Ponto development area and does not propose site-specific development or a phasing schedule for when development should occur. As development of the area would take place over future years, with applications submitted by individual landowners when development or redevelopment is desired, implementation of the Vision Plan would not result in adverse impacts caused by the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, as current landowners would not be forced from their homes or businesses to facilitate the proposed development.

7.5.2.3 Recreational Facilities

Implementation of the Vision Plan would not result in significant impacts to existing recreational uses as a result of the project. Future development would be required to prepare development plans consistent with the Ponto Beachfront Village Vision Plan, which includes design elements to supplement and enhance opportunities for recreation in the area. Such elements include a variety of trails and pathways, a Beachfront Resort multi-purpose trail, a wetland interpretive trail, pedestrian trails with connection to a regional trail system, and a connection to the Coastal Rail Trail which runs to the east of the Ponto site. Additional parking along and a pedestrian underpass below Carlsbad Boulevard are proposed for improved vehicular and pedestrian access to the South Carlsbad State Beach and Campground. Other recreational elements and community amenities envisioned include construction of a wetland interpretive park, a golf putting course, a community nature/arts center, an approximate four-acre linear park to the west of (realigned) Carlsbad Boulevard, and other plazas, courtyards, and pedestrian spaces for both active and passive recreational opportunities.

In addition, the LFMPs for Zones 9 and 22 state that sufficient existing and projected parkland has been identified through buildout of the Southwest Quadrant. To ensure the continued provision of parkland within the District and conformance with performance standards, landowners within the quadrant would be required to pay Park-in-Lieu fees and Public Facilities Fees for the financing of parks prior to the approval of final maps or issuance of building permits, as no additional dedication of parkland is required. The LFMPs

for Zones 9 and 22 require this condition. As the provision of parkland within the District is adequate, implementation of the Ponto Vision Plan would meet the performance standards and impacts would be less than significant.

Therefore, the Vision Plan is not anticipated to increase the use of existing neighborhood or regional parks or other recreational facilities such that a substantial deterioration of a facility would occur. In addition, implementation of the Vision Plan would not include the construction or expansion of recreational facilities that would have an adverse affect on the environment. Therefore, the project would not adversely affect existing recreational opportunities or resources within the City, and impacts would be less than significant.

**Table 7-1
Cumulative Projects**

Site Number	Reference/Project Number	NAME	Characteristics/Status	Impacts
1	99-001; 04-268; 93-172 (Located south of project site, across Batiquitos Lagoon)	Hotel Project (City of Encinitas)	<p>The project is a consolidation of four existing lots into one parcel of 4.3 acres, a major use permit for a 130-room hotel, with a 200-seat restaurant and lounge area, meeting rooms, and a administrative and services area.</p> <ul style="list-style-type: none"> • Lot size – 189,000 square feet • Floor area – 122,540 square feet • Parking: 229 spaces <p>1,300 ADT (650 trips in / 650 trips out)</p> <p>Status: EIR approved by the Encinitas City Council on January 22, 1992.</p>	<p><i>Traffic</i> 1,300 1,800 ADT (650 900 trips in / 650 900 trips out)</p> <p><i>Biology</i> Impacts to Del Mar sand aster. Impacts mitigated through transplantation to a suitable location offsite.</p>
2	CT 05-10 (Located northeast of project site; east of I-5 along Poinsettia Lane)	Poinsettia Single-family Residential	<p>Subdivision of approximately 5 acres into 29 single-family residential lots; two open space lots; one driveway lot.</p> <p>Status: MND – Stamped May 2, 2006 NOD May 19, 2006</p>	<p><i>Noise</i> Impacts from Interstate 5; Mitigation 18' X 18' private rear yard, 6' high barrier.</p> <p><i>Biology</i> No Impacts. Site previously graded with surrounding residential development. No sensitive plant species identified on site.</p>
3	CUP 04-05 (Located northeast of project site; northeast corner of Aviara Parkway and Poinsettia Lane)	Calvary Chapel	<p>26.94-acre site with a 13-acre church campus consisting of 49,000 square feet of a multi-purpose building and family center.</p> <p>Capacity is 1,800 persons. Project Buildings include:</p>	<p><i>Biology</i> Preserves:</p> <ul style="list-style-type: none"> • 7.58 acres of coastal sage scrub • 1.49 acres of southern maritime chaparral

Table 7-1 continued

Site Number	Reference/Project Number	NAME	Characteristics/Status	Impacts
			<ul style="list-style-type: none"> • 19,000 sq. ft. two-story preschool with 150 students • 4,000 sq ft chapel building • 7,000 sq ft gymnasium • 13,000 sq ft youth building • 6,000 sq ft adult education building • 1,049 parking spaces <p>Status: MND dated September 20, 2005 NOD dated January 11, 2005</p>	<ul style="list-style-type: none"> • 0.67 acres of southern willow scrub • 0.60 acres of wetland ruderal • Open Space - Northern portion of the site is native habitat (8.9 acres)
4	CT 02-14; CT 02-15; CT 03-03; CT 02-19 (Located northeast of project site; across I-5 and along Palomar Airport Road)	Bressi Ranch	<p>Project site is approximately 585 acres. The project includes 15 planning areas and 6 open space areas.</p> <p><i>Northern Area (150.3 acres):</i></p> <p>(5) Industrial lots</p> <p><i>Southern Area (434.8 acres):</i></p> <p>(7) Residential Lots</p> <p>(1) Industrial Lot</p> <p>(1) Mixed Use Lot</p> <p>(1) Community Facility Lot</p> <p>(6) Open Space Lots</p> <p>Status: Master Plan EIR approved July 23, 2002</p>	<p><i>Biology</i></p> <p>Impacts 30.9 acres of Diegan coastal sage scrub</p> <p>Mitigation provided at 2:1 (61.8 acres of Diegan coastal sage scrub)</p> <p>Offsite Impacts</p> <ul style="list-style-type: none"> • 1.85 acres riparian scrub • 0.48 acres riparian woodland • 12.9 acres Diegan CSS • 11.2 acres Floodplain scrub • 12.9 acres southern maritime mixed chaparral • 46.8 acres of non-native grassland • 1.5 acres eucalyptus • 11.3 acres of disturbed habitat

Table 7-1 continued

Site Number	Reference/Project Number	NAME	Characteristics/Status	Impacts
5	CT 01-09 (Located southeast of project site; near northeast corner of La Costa Drive and Rancho Santa Fe)	La Costa Town Square Project	Project site is approximately 81.4 acres with proposed mixed-use retail/commercial/office/residential development. Project includes 131 residential units; 80,000 sq. ft. industrial space; 380,000 sq. ft. commercial space. Approximately 5.7 acres will be protected as onsite open space. Status: EIR pending	<i>Traffic</i> 22,800 ADT <i>Biology</i> Project site is part of the Fieldstone Habitat Conservation Plan (HCP). Two small (0.003 acres total) pooling areas were identified. No gnatcatchers identified onsite. Impacts to sensitive species will occur. Habitat and wildlife areas are provided as part of compliance with Fieldstone HCP.
6	00-201 MUP/DR/CDP (Located south of project site on the north side of La Costa Avenue on the northeast corner of North Coast Highway 101 and La Costa Avenue)	Shoreline Hotel, City of Encinitas	<u>26-unit timeshare/hotel development and associated site improvements for 1.81-gross acre property zoned visitor-serving commercial of the North 101 Corridor Specific Plan.</u> Status: <u>EIR approved by Encinitas City Council on September 1, 2005.</u> <u>Not constructed.</u>	<i>Visual</i> <u>Highly visible coastal bluff top; retaining wall significant visual effect</u> <i>Biology</i> <u>Loss 174 sq. ft. of disturbed coastal sage scrub</u> <u>Noise disturbance of sensitive bird species (nearby Least Tern and Snowy Plover nesting sites)</u> <u>Short term effect wetland and upland habitat</u> <u>Long term increase night lighting and human and pet intrusion in upland and wetland habitat</u> <i>Cultural</i> <u>Possible disturbance or destruction of unknown</u>

Table 7-1 continued

Site Number	Reference/Project Number	NAME	Characteristics/Status	Impacts
				<p><u>buried fossils during grading and construction</u></p> <p><u><i>Geology and Soils</i></u></p> <p><u>Possible unstable temporary basement excavation slopes during construction</u></p> <p><u>Steep cut slopes</u></p> <p><u>Possible structural failure due to highly compressible fill soils and terrace deposits</u></p> <p><u><i>Hydrology and Water Quality</i></u></p> <p><u>Negative short-term construction erosion and sedimentation on water quality</u></p> <p><u>Increase in urban pollutants</u></p> <p><u><i>Land Use and Community Character</i></u></p> <p><u>Inconsistent with Encinitas General Plan Public Safety Policy and Resource Management Element Policy and Hillside/Inland Bluff Overlay</u></p> <p><u>Loss of vacant land</u></p> <p><u><i>Noise</i></u></p> <p><u>Possible excess noise levels</u></p> <p><u><i>Transportation and Traffic</i></u></p> <p><u>208 ADT. Improvements to Highway 101 and La Costa Avenue required.</u></p>

Table 7-1 continued

Site Number	Reference/Project Number	NAME	Characteristics/Status	Impacts
7	03-090 TM/MUP/DR/CDP	Coral Cove Tentative Map, City of Encinitas	<p>Subdivision of approximately 10 acres into 79 lots comprised of 69 single family residential lots, two private street lots, and eith open space lots to accommodate a total of 69 units</p> <p>Status: <u>EIR prepared for project and certified as complete by the Planning Commission on June 1, 2006.</u> <u>Not constructed.</u></p>	<p><u>Land Use and Planning</u></p> <p><u>Removal of three eucalyptus trees along Vulcan Avenue which would not be consistent with the vision and goals with Corridor Specific Plan</u></p> <p><u>Aesthetic/Community Character</u></p> <p><u>Proposed road widening would result in removal of three large eucalyptus trees</u></p> <p><u>Biology</u></p> <p><u>Indirect impacts to sensitive nesting raptors could occur if construction occurs during breeding season</u></p> <p><u>Cultural Resources</u></p> <p><u>Historical location of former structure shown to have potential for containing significant subsurface archaeological deposits</u></p> <p><u>Hydrology and Water Quality</u></p> <p><u>Greenhouse demolition would occur; bare soils would be exposed; soils and material stockpiles would be established; fuels, lubricants, and solid and liquid wastes would be stored within active construction areas.</u></p> <p><u>Transportation and Circulation</u></p> <p>443 ADT; Under near</p>

Table 7-1 continued

Site Number	Reference/Project Number	NAME	Characteristics/Status	Impacts
				<p><u>term cumulative without project traffic conditions</u></p> <p><u>Vulcan/La Costa Venue intersection would operate at an unacceptable LOS E; Traffic delay 4.8 seconds</u></p> <p><u>Noise</u></p> <p><u>Onsite noise level would exceed 65 dB along the western portion of the project site</u></p> <p><u>Hazards and Hazardous Materials</u></p> <p><u>Onsite soils within the vicinity could pose a significant threat due to GeoCon limited pesticide assessment; Potentially significant hazardous materials may result.</u></p>

Table 7-2
Cumulative Impacts To Vegetation Communities/Habitats (acres) ¹

SITE NUMBER	Name	REFERENCE/ PROJECT NUMBER	Southern willow scrub		Southern coastal bluff scrub (including disturbed)		Diegan coastal sage scrub (including disturbed)		Eucalyptus woodland		Disturbed habitat		Total	
			Impacted	Mitigation	Impacted	Mitigation	Impacted	Mitigation	Impacted	Mitigation	Impacted	Mitigation	Impacted	Mitigation
Proposed Project	Ponto Beachfront Village Vision Plan	EIR 05-05/ GPA 05-04/ LCPA 05-01	0.04	0.12	0.1	0.3	1.2	2.4	0.3	²	21.1	²	22.7	2.81
1	City of Encinitas Hotel Project	99-001; 04-268; 93-172	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	Poinsettia Single- family Residential	CT 05-10	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	Calvary Chapel	CUP 04-05	Unk	0.67	0.0	0.0	Unk	7.58	0.0	0.0	0.0	0.0	Unk	8.25
4	Bressi Ranch	CT 02-14; CT 02-15; CT 03-03; CT 02-19	0.08	0.08	0.0	0.0	30.9	61.8	0.0	0.0	385.0	0.0	416.0	61.9
5	La Costa Town Square Project	CT 01-09	Part of the Fieldstone HCP – impacts and mitigation are unknown.											
Total			0.12	0.87	0.1	0.3	32.1	71.78	0.3	²	406.1	²	441.6	72.97

Unk = unknown

¹Errors in addition due to rounding.²Mitigated through payment of an in lieu mitigation fee in an amount to be determined by the City Council.

Table 7-3
Near Term (2010)
Peak Hour Intersection LOS – HCM

Intersections	Without Vision Plan				With Vision Plan				Change in Delay	
	AM		PM		AM		PM		AM	PM
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS		
Palomar Airport Road / Avenida Encinas	31.6	C	45.4	D	31.7	C	47.0	D	0.1	1.5
Palomar Airport Road / I-5 SB Ramps	20.0	C	15.8	B	20.1	C	16.0	B	0.1	0.2
Palomar Airport Road / I-5 NB Ramps	39.4	D	32.6	C	39.9	D	33.4	C	0.5	0.8
Palomar Airport Road / Paseo Del Norte	34.5	C	40.9	D	34.6	C	41.0	D	0.1	0.1
Palomar Airport Road / Armada Drive	20.8	C	47.8	D	20.8	C	47.8	D	0.0	0.0
Palomar Airport Road / Hidden Valley Road	14.1	B	16.2	B	15.3	B	16.4	B	1.2	0.2
Palomar Airport Road / College Boulevard	35.7	D	41.1	D	35.8	D	42.0	D	0.1	0.9
Palomar Airport Road / Camino Vida Roble	30.1	C	35.0	D	30.1	C	35.0	C	0.0	0.0
Palomar Airport Road / El Camino Real	49.3	D	77.3	E	49.3	D	78.4	E	0.0	1.1
Palomar Airport Road / El Fuerte St.	91.5	F	30.3	C	92.2	F	30.4	C	0.7	0.1
Palomar Airport Road / Melrose Drive	55.0	D	50.6	D	55.2	E	50.9	D	0.2	0.3
Carlsbad Boulevard / Island Way	8.1	A	7.2	A	8.0	A	7.2	A	-0.1	0.0
Carlsbad Boulevard / Breakwater Road	12.6	B	6.2	A	12.7	B	6.2	A	0.1	0.0
Carlsbad Boulevard / Poinsettia Lane	28.3	C	32.3	C	34.9	C	54.6	D	6.6	22.3
Poinsettia Lane / Avenida Encinas	32.3	C	38.6	D	34.7	C	43.1	D	2.4	4.5
Poinsettia Lane / I-5 SB Ramps	25.9	C	28.0	C	30.8	C	46.0	D	4.9	18.0
Poinsettia Lane / I-5 NB Ramps	29.9	C	28.1	C	37.0	D	35.9	D	7.1	7.8
Poinsettia Lane / Paseo Del Norte	28.0	C	35.6	D	28.9	C	40.3	D	0.9	4.7
Paseo Del Norte / Camino del las Ondas	29.9	C	24.7	C	30.9	C	26.2	C	1.0	1.5
Poinsettia Lane / Batiquitos Drive	23.4	C	23.2	C	23.0	C	23.1	C	-0.4	-0.1
Poinsettia Lane / Aviara Parkway	30.2	C	33.2	C	30.1	C	33.9	C	-0.1	0.7
El Camino Real / Cassia Road	21.2	C	11.2	B	22.4	C	15.2	B	1.2	4.0
El Camino Real / Camino Vida Roble	23.0	C	40.9	D	23.0	C	41.1	D	0.0	0.2
Carlsbad Boulevard / Ponto Drive	<u>9.6</u>	A	<u>18.5</u>	B	20.1	C	30.8	C	<u>12.3</u>	14.4
Carlsbad Boulevard / Beach Way	-	-	-	-	11.6	B	14.6	B	10.0	14.6
Carlsbad Boulevard / Avenida Encinas	<u>13.9</u>	B	<u>14.2</u>	B	18.7	B	19.6	B	<u>4.8</u>	<u>5.4</u>
Ponto Drive / Avenida Encinas	29.3	C	31.7	C	34.0	C	36.2	D	4.7	4.5
La Costa Avenue / N. Coast Highway 101	<u>38.2</u>	D	<u>41.1</u>	C	<u>42.4</u>	D	<u>87.4</u>	F	<u>4.2</u>	<u>46.3</u>
La Costa Avenue / Vulcan Avenue	<u>98.8</u>	F	<u>151.8</u>	F	<u>216.4</u>	F	<u>394.4</u>	F	<u>117.6</u>	<u>242.6</u>
La Costa Avenue / I-5 SB Ramps	25.5	C	<u>27.6</u>	C	<u>25.1</u>	C	<u>27.2</u>	C	<u>-0.4</u>	<u>-0.4</u>
La Costa Avenue / I-5 NB Ramps	22.4	C	23.0	C	22.8	C	<u>24.3</u>	C	0.4	<u>1.3</u>
La Costa Avenue / Piraeus St.	11.6	B	11.1	B	11.6	B	11.0	B	0.0	-0.1
El Camino Real / La Costa Avenue	61.3	E	39.4	D	61.5	E	39.9	D	0.2	0.5
<u>N. Coast Highway 101 / Leucadia Avenue</u>	<u>33.7</u>	C	<u>48.1</u>	D	<u>35.4</u>	C	<u>50.1</u>	D	<u>1.7</u>	<u>2.0</u>
<u>La Costa Avenue / Sheridan Road</u>	<u>11.0</u>	<u>B</u>	<u>16.8</u>	<u>C</u>	<u>13.2</u>	<u>B</u>	<u>23.8</u>	<u>C</u>	<u>2.2</u>	<u>7.0</u>

Italic - Unsignalized Intersection Deficient intersections shown in bold.

**Table 7-4
Near Term (2010)
Peak Hour Roadway Segment LOS**

Location		Direction (# lanes)	Capacity	2010 No Vision Plan A.M.			2010 No Vision Plan P.M.			2010 With Vision Plan A.M.			2010 With Vision Plan P.M.			Change in V/C	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
Carlsbad Blvd.	Palomar Airport Road to Island Way	NB (2)	3,600	414	0.12	A	1,064	0.30	A	438	0.12	A	1,091	0.30	A	0.00	0.00
		SB (2)	3,600	1,004	0.28	A	1,259	0.35	A	1,048	0.29	A	1,325	0.37	A	0.01	0.02
	Island Way to Breakwater Road	NB (2)	3,600	409	0.11	A	1,077	0.30	A	433	0.12	A	1,104	0.31	A	0.01	0.01
		SB (2)	3,600	984	0.27	A	1,207	0.34	A	1,028	0.29	A	1,273	0.35	A	0.02	0.01
	Breakwater Road to Poinsettia Lane	NB (2)	3,600	383	0.11	A	1,008	0.28	A	407	0.11	A	1,035	0.29	A	0.00	0.01
		SB (2)	3,600	933	0.26	A	1,040	0.29	A	977	0.27	A	1,106	0.31	A	0.01	0.02
	Poinsettia Lane to Ponto Drive	NB (2)	3,600	382	0.11	A	1,020	0.28	A	406	0.11	A	1,047	0.29	A	0.00	0.01
		SB (2)	3,600	951	0.26	A	1,042	0.29	A	995	0.28	A	1,108	0.31	A	0.02	0.02
	Ponto Drive to Beach Way	NB (2)	3,600	979	0.27	A	1,061	0.29	A	1,187	0.33	A	1,296	0.36	A	0.06	0.07
		SB (2)	3,600	1,109	0.31	A	1,275	0.35	A	1,333	0.37	A	1,611	0.45	A	0.06	0.10
	Beach Way to Avenida Encinas	NB (2)	3,600	769	0.21	A	873	0.24	A	850	0.23	A	990	0.28	A	0.02	0.04
		SB (2)	3,600	1,172	0.33	A	1,189	0.33	A	1,241	0.34	A	1,288	0.36	A	0.01	0.03
	Avenida Encinas to La Costa Avenue	NB (2)	3,600	1,003	0.28	A	1,057	0.29	A	1,223	0.34	A	1,387	0.39	A	0.06	0.10
		SB (2)	3,600	1,356	0.38	A	1,381	0.38	A	1,553	0.43	A	1,599	0.44	A	0.05	0.06
	La Costa Avenue to Leucadia Boulevard	NB (2)	3,600	461	0.13	A	1,203	0.33	A	521	0.14	A	1,294	0.36	A	0.01	0.03
		SB (2)	3,600	1,832	0.51	A	808	0.22	A	1,887	0.52	A	869	0.24	A	0.01	0.02

Table 7-4 continued

Location		Direction (# lanes)	Capacity	2010 No Vision Plan A.M.			2010 No Vision Plan P.M.			2010 With Vision Plan A.M.			2010 With Vision Plan P.M.			Change in V/C	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
Avenida Encinas	Cannon Road to Palomar Airport Road	NB (2)	3,600	412	0.11	A	493	0.14	A	414	0.12	A	495	0.14	A	0.01	0.00
		SB (2)	3,600	253	0.07	A	649	0.18	A	255	0.07	A	653	0.18	A	0.00	0.00
	Palomar Airport Road to Poinsettia Lane	NB (1)	1,800	210	0.12	A	580	0.32	A	213	0.12	A	583	0.32	A	0.00	0.00
		SB (1)	1,800	442	0.24	A	367	0.20	A	445	0.24	A	372	0.20	A	0.00	0.00
	Poinsettia Lane to Windrose Circle	NB (2)	3,600	552	0.15	A	594	0.17	A	609	0.17	A	654	0.18	A	0.02	0.01
		SB (2)	3,600	392	0.11	A	615	0.17	A	450	0.13	A	702	0.20	A	0.02	0.03
	Windrose Circle to Carlsbad Boulevard	NB (1)	1,800	255	0.14	A	339	0.19	A	430	0.24	A	604	0.34	A	0.10	0.15
		SB (1)	1,800	294	0.16	A	297	0.17	A	457	0.25	A	468	0.26	A	0.09	0.09
College Boulevard	El Camino Real to Palomar Airport Road	NB (2)	3,600	1,339	0.37	A	591	0.16	A	1,353	0.38	A	606	0.17	A	0.01	0.01
		SB (2)	3,600	451	0.13	A	1,252	0.35	A	466	0.13	A	1,275	0.35	A	0.00	0.00
Aviara Parkway	Palomar Airport Road to Poinsettia Lane	NB (2)	3,600	980	0.27	A	450	0.13	A	980	0.27	A	450	0.13	A	0.00	0.00
		SB (2)	3,600	273	0.08	A	1,008	0.28	A	273	0.08	A	1,008	0.28	A	0.00	0.00
	Poinsettia Lane to Batiquitos Drive	NB (2)	3,600	709	0.20	A	583	0.16	A	714	0.20	A	591	0.16	A	0.00	0.00
		SB (2)	3,600	362	0.10	A	958	0.27	A	367	0.10	A	963	0.27	A	0.00	0.00
Paseo del Norte	Cannon Road to Palomar Airport Road	NB (2)	3,600	765	0.21	A	830	0.23	A	767	0.21	A	833	0.23	A	0.00	0.00
		SB (2)	3,600	346	0.10	A	849	0.24	A	349	0.10	A	853	0.24	A	0.00	0.00
	Camino Del Parque to Camino del Las Ondas	NB (1)	1,800	739	0.41	A	620	0.34	A	739	0.41	A	620	0.34	A	0.00	0.00
		SB (1)	1,800	330	0.18	A	1,027	0.57	A	330	0.18	A	1,027	0.57	A	0.00	0.00

Table 7-4 continued

Location		Direction (# lanes)	Capacity	2010 No Vision Plan A.M.			2010 No Vision Plan P.M.			2010 With Vision Plan A.M.			2010 With Vision Plan P.M.			Change in V/C	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
Paseo del Norte	Camino del Las Ondas to Poinsettia Lane	NB (1)	1,800	90	0.05	A	34	0.02	A	90	0.05	A	34	0.02	A	0.00	0.00
		SB (1)	1,800	28	0.02	A	109	0.06	A	28	0.02	A	109	0.06	A	0.00	0.00
El Camino Real	Faraday Avenue to Palomar Airport Road	NB (3)	5,400	2,444	0.45	A	1,742	0.32	A	2,444	0.45	A	1,742	0.32	A	0.00	0.00
		SB (3)	5,400	1,600	0.30	A	2,221	0.41	A	1,600	0.30	A	2,221	0.41	A	0.00	0.00
	Palomar Airport Road to Camino Vida Roble	NB (3)	5,400	1,807	0.33	A	1,557	0.29	A	1,816	0.34	A	1,567	0.29	A	0.01	0.00
		SB (3)	5,400	1,329	0.25	A	1,820	0.34	A	1,339	0.25	A	1,834	0.34	A	0.00	0.00
	Camino Vida Roble to Cassia Road	NB (2)	3,600	2,145	0.60	A	1,142	0.32	A	2,154	0.60	A	1,152	0.32	A	0.00	0.00
		SB (3)	5,400	1,701	0.32	A	1,268	0.23	A	1,710	0.32	A	1,278	0.24	A	0.00	0.01
	Cassia Road to La Costa Avenue	NB (3)	5,400	2,377	0.44	A	2,251	0.42	A	2,377	0.44	A	2,251	0.42	A	0.00	0.00
		SB (2)	3,600	2,130	0.59	A	2,145	0.60	A	2,130	0.59	A	2,145	0.60	A	0.00	0.00
Palomar Airport Road	Avenida Encinas to I-5	EB (3)	5,400	598	0.11	A	1,081	0.20	A	609	0.11	A	1,093	0.20	A	0.00	0.00
		WB (3)	5,400	879	0.16	A	1,082	0.20	A	909	0.17	A	1,126	0.21	A	0.01	0.01
	I-5 to Paseo del Norte	EB (3)	5,400	2,658	0.49	A	2,037	0.38	A	2,660	0.49	A	2,041	0.38	A	0.00	0.00
		WB (3)	5,400	1,198	0.22	A	2,993	0.55	A	1,202	0.22	A	2,998	0.56	A	0.00	0.01
Palomar Airport Road	Paseo del Norte to Armada Drive	EB (3)	5,400	2,629	0.49	A	1,613	0.30	A	2,629	0.49	A	1,614	0.30	A	0.00	0.00
		WB (3)	5,400	1,179	0.22	A	2,957	0.55	A	1,180	0.22	A	2,958	0.55	A	0.00	0.00
	Armada Drive to Hidden Valley Road	EB (3)	5,400	2,458	0.46	A	1,923	0.36	A	2,458	0.46	A	1,924	0.36	A	0.00	0.00
		WB (3)	5,400	1,557	0.29	A	2,588	0.48	A	1,558	0.29	A	2,589	0.48	A	0.00	0.00

Table 7-4 continued

Location		Direction (# lanes)	Capacity	2010 No Vision Plan A.M.			2010 No Vision Plan P.M.			2010 With Vision Plan A.M.			2010 With Vision Plan P.M.			Change in V/C	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
Palomar Airport Road	Hidden Valley Road to College Boulevard	EB (3)	5,400	2,364	0.44	A	1,799	0.33	A	2,382	0.44	A	1,820	0.34	A	0.00	0.01
		WB (3)	5,400	1,565	0.29	A	2,467	0.46	A	1,586	0.29	A	2,498	0.46	A	0.00	0.00
	College Boulevard to Camino Vida Roble	EB (3)	5,400	1,703	0.32	A	1,361	0.25	A	1,703	0.32	A	1,362	0.25	A	0.00	0.00
		WB (3)	5,400	1,136	0.21	A	1,585	0.29	A	1,137	0.21	A	1,586	0.29	A	0.00	0.00
	Camino Vida Roble to El Camino Real	EB (3)	5,400	1,273	0.24	A	1,360	0.25	A	1,273	0.24	A	1,361	0.25	A	0.00	0.00
		WB (3)	5,400	1,354	0.25	A	1,140	0.21	A	1,355	0.25	A	1,141	0.21	A	0.00	0.00
	El Camino Real to El Fuerte Street	EB (3)	5,400	1,818	0.34	A	2,874	0.53	A	1,827	0.34	A	2,884	0.53	A	0.00	0.00
		WB (3)	5,400	3,115	0.58	A	1,751	0.32	A	3,125	0.58	A	1,766	0.33	A	0.00	0.01
	El Fuerte Street to Melrose Drive	EB (3)	5,400	1,368	0.25	A	3,095	0.57	A	1,377	0.26	A	3,105	0.58	A	0.01	0.01
		WB (3)	5,400	3,146	0.58	A	1,691	0.31	A	3,156	0.58	A	1,706	0.32	A	0.00	0.01
Poinsettia Lane	Carlsbad Boulevard to Avenida Encinas	EB (2)	3,600	196	0.05	A	420	0.12	A	380	0.11	A	627	0.17	A	0.06	0.05
		WB (2)	3,600	339	0.09	A	483	0.13	A	519	0.14	A	752	0.21	A	0.05	0.08
	Avenida Encinas to I-5	EB (2)	3,600	660	0.18	A	1,006	0.28	A	894	0.25	A	1,265	0.35	A	0.07	0.07
		WB (2)	3,600	770	0.21	A	943	0.26	A	1,001	0.28	A	1,289	0.36	A	0.07	0.10
	I-5 to Paseo del Norte	EB (2)	3,600	1,334	0.37	A	1,603	0.45	A	1,402	0.39	A	1,679	0.47	A	0.02	0.02
		WB (2)	3,600	1,254	0.35	A	1,480	0.41	A	1,329	0.37	A	1,592	0.44	A	0.02	0.03
	Paseo Del Norte to Batiquitos Drive	EB (2)	3,600	965	0.27	A	1,147	0.32	A	1,015	0.28	A	1,203	0.33	A	0.01	0.02
		WB (2)	3,600	951	0.26	A	1,093	0.30	A	1,006	0.28	A	1,175	0.33	A	0.02	0.03

Table 7-4 continued

Location		Direction (# lanes)	Capacity	2010 No Vision Plan A.M.			2010 No Vision Plan P.M.			2010 With Vision Plan A.M.			2010 With Vision Plan P.M.			Change in V/C	
				Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	Volume	V/C	LOS	AM	PM
Poinsettia Lane	Batiquitos Drive to Aviara Parkway	EB (2)	3,600	1,065	0.30	A	855	0.24	A	1,116	0.31	A	911	0.25	A	0.01	0.01
		WB (2)	3,600	651	0.18	A	1,311	0.36	A	706	0.20	A	1,394	0.39	A	0.02	0.03
	Aviara Parkway to El Camino Real	EB (2)	3,600	429	0.12	A	427	0.12	A	475	0.13	A	478	0.13	A	0.01	0.01
		WB (2)	3,600	375	0.10	A	700	0.19	A	425	0.12	A	775	0.22	A	0.02	0.03
La Costa Ave.	Carlsbad Boulevard to Vulcan Avenue	EB (1)	1,800	551	0.31	A	737	0.41	A	692	0.38	A	893	0.50	A	0.07	0.01
		WB (1)	1,800	655	0.36	A	632	0.35	A	815	0.45	A	872	0.48	A	0.08	0.14
	Vulcan Avenue to I-5	EB (1)	1,800	715	0.40	A	809	0.45	A	856	0.48	A	965	0.54	A	0.08	0.09
		WB (1)	1,800	887	0.49	A	1,327	0.74	C	1,047	0.58	A	1,567	0.87	D	0.09	0.13
	I-5 to Piraeus Street	EB (2)	3,600	1,583	0.44	A	1,562	0.43	A	1,620	0.45	A	1,603	0.45	A	0.01	0.02
		WB (2)	3,600	1,465	0.41	A	1,518	0.42	A	1,505	0.42	A	1,578	0.44	A	0.01	0.02
	Piraeus Street to El Camino Real	EB (2)	3,600	1,578	0.44	A	1,455	0.40	A	1,615	0.45	A	1,496	0.42	A	0.01	0.02
		WB (2)	3,600	1,337	0.37	A	1,136	0.32	A	1,377	0.38	A	1,196	0.33	A	0.01	0.01
	East of El Camino Real	EB (2)	3,600	542	0.15	A	981	0.27	A	579	0.16	A	1,022	0.28	A	0.01	0.01
		WB (2)	3,600	923	0.26	A	722	0.20	A	963	0.27	A	782	0.22	A	0.01	0.02
Ponto Drive	Carlsbad Boulevard to Avenida Encinas	NB (1)	1,800	102	0.06	A	150	0.08	A	243	0.13	A	307	0.17	A	0.11	0.09
		SB (1)	1,800	9	0.00	A	221	0.12	A	152	0.08	A	435	0.24	A	0.08	0.12

**Figure 7-1
Cumulative Projects Map**

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Figure 7-2
Near-Term (2010) ADT Volumes

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Figure 7-3
Near-Term (2010) with Vision Plan ADT Volumes

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Figure 7-4
Near-Term (2010) AM Level of Service

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Figure 7-5
Near-Term (2010) PM Level of Service

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Figure 7-6
Near-Term (2010) with Vision Plan – AM Level of Service

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Figure 7-7
Near-Term (2010) with Vision Plan - PM Level of Service

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8.0 REFERENCES

8.1 Persons Responsible for Preparation of the EIR

This Environmental Impact Report was prepared for the City of Carlsbad Planning Department. The following professional staff participated in the preparation of the EIR.

Lead Agency

City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, California 92008

Christer Westman – Project Manager/Senior Planner
Bob Johnson – Traffic Division

City of Carlsbad
Department of Housing and Redevelopment
2965 Roosevelt Street, Suite B
Carlsbad, California 92008

Deborah Fountain – Director

Preparers of the EIR

RBF Consulting

9755 Clairemont Mesa Boulevard, Suite 100
San Diego, California 92124

Alex Jewell, AICP	EIR Project Manager
Nicole Marotz, AICP	Environmental Planner/Lead EIR Preparer
Monica Kling	Environmental Analyst
Danielle Putnam	Senior Planner
Kimberly Butts	CADD Designer
Liz Sears	Graphics
Jonathon Henderson	CADD Drafter
Richard Hendrickson	GIS
Hilary Ellis	Word Processor

Persons and Organizations Contacted

RBF Consulting

Hydrology and Water Quality

Marc Schulte

Richard Lucera

Scott Cartwright

Traffic Analysis

Dawn Wilson, P.E.

Stephanie Cheng

Tim Strow

Noise and Air Quality Analyses

Eddie Torres

Maria Cadiz

Phase I Environmental Site Assessment

Richard Beck

Kristen Hurley

Biological Resources Assessment

Derek Langsford

Seekey Cacciatore

Helix Environmental Planning

8100 La Mesa Boulevard, Suite 150

La Mesa, CA 91941-6452

Geotechnical Consultants

Barry Bevier

Scott Rugg

Kleinfelder, Inc.

5015 Shoreham Place

San Diego, CA 92122

Cultural Resources Analysis

Brian F. Smith

Larry Pierson

Brian F. Smith and Associates

14010 Poway Road

Poway, CA 92064

8.2 Technical Reports and Supporting Documents

The following documents associated with the Ponto Beachfront Village Vision Plan EIR are available for review at the City of Carlsbad, Department of Planning, 1635 Faraday Avenue, Carlsbad, California, 92008.

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Redevelopment Plan - South Carlsbad Coastal Redevelopment Project. Prepared by Carlsbad Housing and Redevelopment Commission. February 4, 2000.

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South Carlsbad Coastal Redevelopment Area (SCCRA) Redevelopment Plan. July 2000.